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WESTERN AMERICANA

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VIGILANTE DAYS AND WAYS.

VOL. I.

BY THE SAME AUTHOR

WITH ILLUSTRATIONS

WONDERS OF THE YELLOWSTONE in *Scribner's Magazine*

THE ASCENT OF MOUNT HAYDEN in *Scribner's Magazine*

MU

A PACK TRAIN—CINCHING.

VIGILANTE DAYS AND WAYS

77759

THE PIONEERS OF THE ROCKIES

THE MAKERS AND MAKING OF
MONTANA, IDAHO, OREGON, WASHINGTON,
AND WYOMING

BY

Nathaniel Pitt Langford

WITH PORTRAITS AND ILLUSTRATIONS

IN TWO VOLUMES

VOL. I

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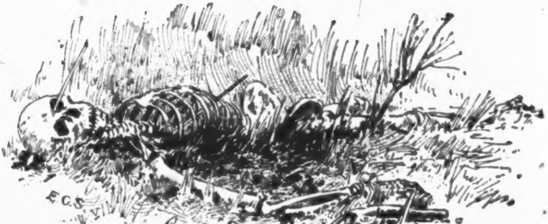

Why doesn't he write?

THIS BOOK IS DEDICATED TO

THE MEMORY OF THOSE

Unknown Pioneers

WHO LOST THEIR LIVES IN LAYING

THE FOUNDATIONS OF THE

Empire

OF THE

New Great West.

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George C. Andrew.

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INTRODUCTION.

IT is stated, on good authority, that soon after the first appearance of Schiller's drama of "The Robbers" a number of young men, charmed with the character of Charles De Moor, formed a band and went to the forests of Bohemia to engage in brigand life. I have no fear that such will be the influence of this volume. It deals in facts. Robber life as delineated by the vivid fancy of Schiller, and robber life as it existed in our mining regions, were as widely separated as fiction and truth. No one can read this record of events, and escape the conviction that an honest, laborious, and well-meaning life, whether successful or not, is preferable to all the temporary enjoyments of a life of recklessness and crime. The truth of the adage that "Crime carries with it its own punishment" has never received a more powerful vindication than at the tribunals erected by the people of the North-West mines for their own protection. No sadder commentary could have stained our civilization than to permit the numerous and bloody crimes committed in the early history of this portion of our country to go unwhipped of justice. And the fact that they were promptly and thoroughly dealt with stands among the earliest and noblest characteristics of a people which derived their ideas of right and of self-protection from that spirit of the law that flows spontaneously from our free institutions. The people bore with crime until punishment became a duty and neglect a crime. Then, at infinite hazard of failure, they entered upon the work of purgation with a strong hand—and in the briefest possible time established the supremacy of law. The robbers and murderers of the mining region, so long defiant of the claims of peace and safety, were made to hold the gibbet in greater terror there than in any other portion of our country.

Up to this time, fear of punishment had exercised no restraining influence on the conduct of men who had organized murder and robbery into a steady pursuit. They hesitated at no atrocity necessary to accomplish their guilty designs. Murder with them was resorted to as the most available means of concealing robbery, and the two crimes were generally coincident. The country, filled with cañons, gulches, and mountain passes, was especially adapted to their purposes, and the unpeopled distances between mining camps afforded ample opportunity for carrying them into execution. Pack trains and companies, stage coaches and express messengers, were as much exposed as the solitary traveller, and often selected as objects of attack. Miners, who had spent months of hard labor in the placers in the accumulation of a few hundreds of dollars, were never heard of after they left the mines to return to their distant homes. Men were daily and nightly robbed and murdered in the camps. There was no limit to this system of organized brigandage.

When not engaged in robbery, this criminal population followed other disreputable pursuits. Gambling and licentiousness were the most conspicuous features of every mining camp, and both were but other species of robbery. Worthless women taken from the stews of cities plied their vocation in open day, and their bagnios were the lures where many men were entrapped for robbery and slaughter. Dance-houses sprung up as if by enchantment, and every one who sought an evening's recreation in them was in some way relieved of the money he took there. Many good men who dared to give expression to the feelings of horror and disgust which these exhibitions inspired, were shot down by some member of the gang on the first opportunity. For a long time these acts were unnoticed, for the reason that the friends of law and order supposed the power of evil to be in the ascendant. Encouraged by this impunity the ruffian power increased in audacity, and gave utterance to threats against all that portion of the community which did not belong to its organization. An issue involving the destruction of the good or bad element actually existed at the time that the people entered upon the work of punishment.

I offer these remarks, not in vindication of all the acts of the vigilantes, but of so many of them as were necessary to establish the safety and protection of the people. The reader will find among the later acts of some of the individuals claiming to have exercised the authority of the vigilantes some executions of which he cannot approve. For these persons I can offer no apology. Many of these were worse men than those they executed. Some were hasty and inconsiderate, and while firm in the belief they were doing right, actually committed grievous offences. Unhappily for the vigilantes, the acts of these men have been recalled to justify an opinion abroad, prejudicial to the vigilante organization. Nothing could be more unjust. The early vigilantes were the best and most intelligent men in the mining regions. They saw and felt that, in the absence of all law, they must become a "law unto themselves," or submit to the bloody code of the banditti by which they were surrounded, and which was increasing in numbers more rapidly than themselves. Every man among them realized from the first the great delicacy and care necessary in the management of a society which assumed the right to condemn to death a fellow-man. And they now refer to the history of all those men who suffered death by their decree as affording ample justification for the severity of their acts. What else could they do? How else were their own lives and property, and the lives and property of the great body of peaceable miners in the placers to be preserved? What other protection was there for a country entirely destitute of law?

Let those who would condemn these men try to realize how they would act under similar circumstances, and they will soon find everything to approve and nothing to condemn in the transactions of the early vigilantes. I have endeavored to narrate nothing but facts, and these will enable every reader to judge correctly of the merits of each case.

I would fain believe that this history, bloody as it is, will prove both interesting and instructive. In all that concerns crime of the blackest dye on the one hand, and love for law and order on the other, it stands without a parallel in the annals of any people. Nowhere else, nor at any former period since men became civilized, have murder and robbery and social vice presented an organized front, and offered an open contest for supremacy to a large civilized community. Their works for centuries have been done by stealth, in darkness, and as far away from society as possible. I cannot now remember the instance, within the past three hundred years, when the history of any country records the fact that the criminal element of an entire community, numbering thousands, was believed to be greater than the peaceful element. Yet it was so here. And when the vigilantes of Montana entered upon their work, they did not know how soon they might have to encounter a force numerically greater than their own.

In my view the moral of this history is a good one. The brave and faithful conduct of the vigilantes furnishes an example of American character, from a point of view entirely new. We know what our countrymen were capable of doing when exposed to Indian massacre. We have read history after history recording the sufferings of early pioneers in the East, South, and West, but what they would do when surrounded by robbers and assassins, who were in all civil aspects like themselves, it has remained for the first settlers of the North Western mines to tell. And that they did their work well, and showed in every act a love for law, order, and for the moral and social virtues in which they had been educated, and a regard for our free institutions, no one can doubt who rightly appreciates the motives which actuated them.

A people who had not been reared to respect law and order, and to regard the privileges which flow from a free government as greater than all others, in the regulation of society, would have been restrained by fear from any such united and thorough effort as that which in Montana actually scourged crime out of existence, and secured to an unorganized community all the immunities and blessings of good government. The terror which popular justice inspired in the criminal population has never been forgotten. To this day crime has been less frequent in occurrence in Montana than in any other of the new territories, and no banded criminals have made that territory an abiding place.

Although not the first exhibition of vigilante justice, the one I here record was the most thorough and severe, and stands as an example for all new settlements that in the future may be similarly afflicted, for it was not until driven to it both by the frequent and unremitting villainies of the ruffians, and by the necessities of a condition for which there was no law in existence, that the people resorted to measures of their own, and made and enforced laws suited to the exigency. But enough! If the history fails to remove the prejudices of my readers, nothing I can say will do so. It speaks for itself, and though there are a few of its later occurrences I would gladly blot, there is nothing in its early transactions, nothing in the design it unfolds, nothing in the results which have followed, that on a similar occasion I would not wish to see reproduced.

VIGILANTE DAYS AND WAYS.

CHAPTER I.

SPANISH INTRIGUES.

THE MISSISSIPPI RIVER — FORESIGHT OF WASHINGTON — DISSATISFACTION OF WESTERN SETTLERS — PROPHECIES OF NAVARRO — UNION IN DANGER — JEALOUSY OF SPANISH AUTHORITIES — WILKINSON'S INTRIGUES — STATE OF FRANKLAND — INVASION OF LOUISIANA THREATENED — FRENCH JACOBIN INTRIGUE — GENET'S PLANS — TREATY OF MADRID — NAPOLEON PONTALBA'S MEMOIR — TREATY OF ST. ILDEPHONSO.

"THE Mississippi river," says Bancroft, "is the guardian and the pledge of the union of the States of America. Had they been confined to the eastern slope of the Alleghanies, there would have been no geographical unity between them; and the thread of connection between lands that merely fringed the Atlantic must soon have been sundered. The father of rivers gathers his waters from all the clouds that break between the Alleghanies and the farthest ranges of the Rocky Mountains. The ridges of the eastern chain bow their heads at the north and the south, so that long before science became the companion of man, Nature herself pointed out to the barbarous races how short portages join his tributary waters to those of the Atlantic coast. At the other side his mightiest arm interlocks with the arms of the Oregon and the Colorado; and, by the conformation of the earth itself, marshals highways to the Pacific. From his remotest springs he refuses to suffer his waters to be divided; but as he bears them all to the bosom of the ocean, the myriads of flags that wave above his head are all the ensigns of one people. States larger than kingdoms flourish where he passes; and beneath his step cities start into being, more marvellous in their reality than the fabled creations of enchantment. His magnificent valley, lying in the best part of the temperate zone, salubrious and wonderfully fertile, is the chosen muster-ground of the various elements of human culture brought together by men, summoned from all the civilized nations of the earth, and joined in the bonds of common citizenship by the strong invincible attraction of republican freedom. Now that science has come to be the household friend of trade and commerce and travel, and that Nature has lent to wealth and intellect the use of her constant forces, the hills, once walls of division, are scaled or pierced or levelled; and the two oceans, between which the republic has unassailably intrenched itself against the outward world, are bound together across the continent by friendly links of iron. From the grandeur of destiny, foretold by the possession of that river and the lands drained by its waters, the Bourbons of Spain, hoping to act in concert with Great Britain as well as France, would have excluded the United States, totally and forever."

In the early days of our republic the great national artery, so justly eulogized by our leading historian, was the fruitful cause of the most dangerous intrigues, aimed at the perpetuity of our Union. The inhabitants of the Ohio and Mississippi valleys, cut off by the Appalachian range from all commercial intercourse with the Atlantic seaboard, were necessarily dependent upon the Mississippi for access to the markets of the world. The mouth of that river was, as to them, the threshold of subsistence. Extensive possessions, richness of soil, and immensity of production, were of little value, without the means which this great channel alone afforded for the establishment of commercial relations with other nations. The most prolific, as well as most unbounded, region of varied agricultural production in the world was comparatively valueless without this single convenience.

At the time whereof I write the mouth of the Mississippi and the country adjacent was owned and controlled by Spain, then a powerful nation, jealous of her possessions in America, and unfriendly to the young republic which had suddenly sprung into existence on the northern borders of her empire. She had assented to the stipulation in the treaty between Great Britain, the United States, and herself in 1783, in which the independence of our country was recognized, that the navigation of the Mississippi from its source to its mouth should be and remain forever free and open to the subjects of Great Britain and the citizens of the United States. The privilege, sufficient for ordinary purposes in time of peace, was liable at any moment and on almost any pretence, as we shall hereafter see, to be absolutely denied, or to be hampered with oppressive duties, or to be used for purposes dangerous to the very existence of our government.

The first individual to see the evils which might flow from a dependence upon this outlet to the ocean by the people living west of the Alleghanies, was Washington himself. He had carefully noted the flow of the rivers beyond the Alleghanies, and the portages between them and the rivers flowing down their eastern slope, at the time of his first visit into that region before the Revolution, and was only hindered from forming a company, to unite them by an artificial channel, by the occurrence of the Revolution itself. The year after peace was declared he again visited the country bordering the upper waters of the Ohio, and at this time regarded the improvement, not only of immense importance in its commercial aspect to the States of Maryland and Virginia, but as one of the necessities of government. "He had noticed," says Mr. Irving, "that the flanks and rear of the United States were possessed by foreign and formidable powers, who might lure the Western people into a trade and alliance with them. The Western States, he observed, stood as it were on a pivot, so that the touch of a feather might turn them any way. They had looked down the Mississippi, and been tempted in that direction by the facilities of sending everything down the stream; whereas they had no means of coming to us but by long land transportation and rugged roads. The jealous and untoward disposition of the Spaniard, it was true, almost barred the use of the Mississippi; but they might change their policy and invite trade in that direction. The retention by the British Government, also, of the posts of Detroit, Niagara, and Oswego, though contrary to the spirit of the treaty, shut up the channel of trade in that quarter" [Irving's Life of Washington, vol. iv. p. 423].

His views were laid before the legislature of Virginia, and received with such favor that he was induced to repair to Richmond to give them his personal support. His suggestions and representations during this visit gave the first impulse to the great system of internal improvements since pursued throughout the United States.

While Washington was urging upon the people of Virginia the importance of a water communication between the head waters of the Potomac and the Ohio, and had succeeded so far as to effect the organization of two companies under the patronage of the Governments of Maryland and Virginia [Irving's Life of Washington, vol. iv. p. 427], the people of the Western States, dissatisfied with the tax imposed upon them to pay the interest on the debt of the country to France, were many of them abandoning their dwellings and marching towards the Mississippi, "in order to unite with a certain number of disbanded soldiers, who were anxious to possess themselves of a considerable portion of the territory watered by that river." Their object was to establish the *Western Independence* and deny the authority of the American Congress, as McGillivray says in a letter to the governor of Pensacola [Gayarre's "History of the Spanish Domination in Louisiana," p. 159].

This Alexander McGillivray, the head chief of the Talapouches, or Creeks, was a half-breed, the son of Lachland McGillivray, a Scotchman, and a Creek woman. He was educated in Scotland. Pickett, the historian of Alabama, calls him the Talleyrand of Alabama; and Gayarre, in an extended eulogy, says of him: "The individual who, Proteus-like, could in turn, — nay more, who could at the same time, be a British colonel, a Spanish and an American general, a polished gentleman, a Greek and Latin scholar, and a wild Indian chief with the frightful tomahawk at his belt and the war paint on his body, a shrewd politician, a keen-sighted merchant, a skilful speculator, the emperor of the Creeks and Seminoles, the able negotiator with Washington in person and other great men, the writer of papers which would challenge the admiration of the most fastidious — he who could be a Mason among the Christians, and a pagan prophet in the woods; he who could have presents, titles, decorations, showered at the same time upon him from England, Spain, and the United States, and who could so long arrest their encroachments against himself and his nation by playing them like puppets against each other, must be allowed to tower far above the common herd of men." McGillivray died 17th February, 1793. He was buried with Masonic honors, in the garden of William Panton, in Pensacola. His death spread desolation among his people.

Martin Navarro, the Spanish intendant at New Orleans, united with remarkable sagacity and foresight a jealousy of the American population of the Western States, amounting almost to mania. His policy in regulating commercial intercourse with all neighbors was in the largest degree conciliatory and generous. From the hour of its birth, he predicted with singular accuracy the power and growth of the American republic. In 1786, speaking of the commercial relations between the province of Louisiana and the numerous Indian tribes which owned the adjacent territory, he says: —

"Nothing can be more proper than that the goods they want should be sold them at an equitable price, in order to afford them inducements and facilities for their hunting pursuits, and in order to put it within their means to clothe themselves on fair terms. Otherwise they would prefer trading with the Americans, with whom they would in the end form alliances, which cannot but turn out to be fatal to this province."

The surplus productions of the Western settlements at this time had grown into a very considerable commerce, which, having no other outlet than the Mississippi, was sent down that river to New Orleans, where it was subjected to unjust and oppressive duties. The flatboat-men complained of the seizures, confiscations, extortions, and imprisonments which in almost every instance were visited upon them by the Spanish authorities. Infuriated by the frequency and flagrant character of these outrages, and denying the right of Spain under the treaty of 1783 in any way to restrict the free navigation of the river, the Western people began seriously to contemplate an open invasion of Louisiana, and a forcible seizure of the port of New Orleans. They laid their grievances before Congress and petitioned that body to renew negotiations with

Spain, and secure for them such commercial privileges as were necessary to the very existence of their settlements.

Navarro seconded these views, and writing to his Government says: "The powerful enemies we have to fear in this province are not the English, but the Americans, whom we must oppose by active and sufficient measures." He then, by a variety of reasons, urges that a restriction of commercial franchises will only increase the embarrassment of Spain. "The only way," he says, "to check them, is with a proportionate population, and it is not by imposing commercial restrictions that this population is to be acquired, but by granting a prudent extension and freedom of trade."

By granting the Americans special privileges, donating lands to them, and affording them other subsidies, Navarro hoped to lure them from their allegiance to our Government. Very many, yielding to these inducements, moved their families into the Spanish province, and became willing subjects of His Catholic Majesty. The majority of those who remained, owing to the repeated failures and rebuffs they had suffered in their efforts to obtain free commercial privileges, were forced at length to consider the idea of forming a new and independent republic of their own. Their separation by distance and mountain barriers from the Atlantic States rendered all commercial intercourse impracticable between the two portions of the country. They were surrounded by savages, against whose murderous attacks their Government was unable to afford them adequate protection, and their commerce was burdened with oppressive and ruinous duties before it could gain access to the markets of the world. Besides these considerations, they were oppressed with heavy taxation to pay the interest on the great war-debt to France. These reasons, to any one who can identify himself with the period of our history now under review, would certainly seem sufficient to overcome a patriotism which had always been measured by the amount of sacrifice it was capable of making without any return. Our Government, still under the old confederacy, no longer bound by the cohesive elements of the war, was ready to fall to pieces, because of its inherent weakness. The majority of the people, both East and West, had little confidence in its stability. The leading patriots of the Revolution, alarmed at the frequent and threatening demonstrations of revolt made in all parts of the country, were at a loss to know how to avoid a final disruption.

"What, then," says Washington in a letter to John Jay, "is to be done? Things cannot go on in the same strain forever. It is much to be feared, as you observe, that the better kind of people, being disgusted with the circumstances, will have their minds prepared for any revolution whatever. We are apt to run from one extreme to another. . . . I am told that even respectable characters speak of a monarchical government without horror. From thinking proceeds speaking, then acting is often but a single step. But how irrevocable and tremendous! What a triumph for our enemies to verify their predictions! What a triumph for the advocates of despotism to find that we are incapable of governing ourselves, and that systems founded on the basis of equal liberty are merely ideal and fallacious." [Irving's Washington, vol. iv. p. 450.]

It was when the country was in this condition that the idea of a separate independence took form among the people west of the Alleghanies. Want of unanimity in the adoption of a basis for the new republic only prevented its organization; for as soon as the question came under serious consideration, no less than five parties appeared, each claiming its plan to be the only one suited to the purposes in view.

"The first was for being independent of the United States, and for the formation of a new republic unconnected with the old one, and resting on a basis of its own, and a close alliance with Spain.

"Another party was willing that the country should become a part of the province of Louisiana, and submit to the admission of the laws of Spain.

"A third desired a war with Spain and the seizure of New Orleans.

"A fourth plan was to prevail on Congress, by a show of preparation for war, to extort from the cabinet of Madrid what it persisted in refusing.

"The last, as unnatural as the second, was to solicit France to procure a retrocession of Louisiana, and to extend her protection to Kentucky." [Judge Martin's Hist. of Louisiana, vol. ii. p. 10.]

Encouraged in their designs to lure the Western people into Louisiana, by this public evidence of their disaffection toward their own country, the Spanish authorities from this moment conceived the idea of working a dismemberment of our confederacy and attaching the vast country west of the Alleghanies to the other Hispano-American possessions. Separate plans for effecting this object were formed by Miro, the governor of Louisiana, and Gardoquoi, the Spanish minister at Philadelphia. These officials were jealous of each other, and though partners in design, frequently clashed in their measures.

In June, 1787, General James Wilkinson, an officer of the Revolution, who had emigrated to the West a few months before, descended the Mississippi to New Orleans, with a cargo of flour, tobacco, butter, and bacon. His boat having been seized, Wilkinson, after a protracted interview with Governor Miro, parted from him with an order for its release and permission to sell his cargo free of duty. This arch-intriguer was permitted, during the entire period that his negotiations with Miro were in progress, to enjoy all the privileges of the New Orleans market free of duty. He sold large cargoes of tobacco, flour, and butter to the Spanish authorities on different occasions, and received from Miro very large sums of money at various times, to aid him in the work of dismemberment. We learn that at one time he sought to become a Spanish subject, but was dissuaded by Miro, who, while he loved the treason, hated the traitor. At another time, in the midst of his intrigues, he besought Miro to obtain for him a portion of the country to which he could flee to escape the vengeance which would pursue him, in case his diabolical acts should be discovered by Washington. He remained in New Orleans until September. During that period, at Miro's request, he furnished him with his views in writing of the political interests of Spain and the Western people. This document strongly advocated the free navigation of the Mississippi, and was sent to Madrid for the perusal of the king. But it was intended simply as a blind, to conceal the inception of an intrigue between Miro and Wilkinson for the separation of the Western settlements from the Union, and their adherence to Spain. It was soon ascertained that, coincident with the submission of this document, Wilkinson presented another to Miro, containing different representations, which was not made public.

In the meantime, Gardoquoi, acting without Miro's compliance, had invited the people of Kentucky and the region bordering the Cumberland river to establish themselves under the protection of Spain in West Florida, and the Florida district of lower Louisiana, offering as inducements that they might hold slaves, stock, provisions for two years, farming utensils and implements, without paying any duty whatever, and enjoy their own religion. Allured by these promises, many Americans removed to Louisiana and became Spanish subjects. To encourage this work of emigration, Gardoquoi made a concession of a vast tract of land, seventy miles below the mouth of the Ohio, to Col. George Morgan upon his proposition to settle it with a large number of immigrants. In pursuance of this purpose, Morgan afterwards laid the foundations of a city there, which, in compliment to Spain, he called New Madrid.

Gardoquoi, fearful lest his plans might be disturbed by Miro, sent an agent to New Orleans to obtain for them the support of that functionary. Miro was deeply embroiled in the intrigue with Wilkinson — an enterprise, if successful, that would prove vastly more important than that of Gardoquoi. Concealing his purpose from the latter, Miro, on one pretext and another, avoided committing himself to plans which were certain, if prosecuted, to clash with his own. In January, 1788, he wrote to Valdes, the minister for the department of the Indies: —

"I have been reflecting for many days whether it would not be proper to communicate to D'Arges (Gardoquoi's agent) Wilkinson's plans, and to Wilkinson the mission of D'Arges, in order to unite them and dispose them to work in concert. . . . The delivering up of Kentucky into His Majesty's hands, which is the main object to which Wilkinson has promised to devote himself entirely, would forever constitute this province a rampart for the protection of New Spain."

In the course of this intrigue, Gardoquoi's agent stipulated to lead 1582 Kentucky families into the Natchez district. Miro ordered Grandpre, the governor of Natchez, to make concessions of land to each family on its arrival, and require them to take the following oath: "We the undersigned do swear, on the Holy Evangelists, entire fealty, vassalage, and lealty to His Catholic Majesty, wishing voluntarily to live under his laws, promising not to act either directly or indirectly against his real interest, and to give immediate information to our commandants of all that may come to our knowledge, of whatever nature it may be, if prejudicial to the welfare of Spain in general and to that of this province in particular, in defence of which we hold ourselves ready to take up arms, on the first summons of our chiefs, and particularly in the defence of this district against whatever forces may come from the upper part of the river Mississippi, or from the interior of the continent."

"Whilst presenting to them these considerations," writes Miro, "you will carefully observe the manner in which they shall receive them, and the expression of their faces. Of this you will give me precise information, every time that you send me the original oaths taken."

In furtherance of his enterprise, Wilkinson spent several months in the Atlantic States, after leaving New Orleans. He wrote to Miro in cipher, on his return to the West, that all his predictions were verifying themselves. "Not a measure," he says, "is taken on both sides of the mountains which does not conspire to favor ours." About the same time he wrote to Gardoquoi in order to allay his suspicions. Receiving from Miro no immediate reply to his letter, he sent a cargo of produce down the river in charge of Major Isaac Dunn, whom he accredited to Miro as a fit auxiliary in the execution of their political designs. Dunn assured the Spanish governor that Kentucky would separate entirely from the Federal Union the next year.

While these schemes were in progress, the settlers in the district of Cumberland, reduced to extremities by the frequent and bloody invasions of the Indians south of them, sent delegates to Alexander McGillivray, head chief of the tribes, to declare their willingness to throw themselves into the arms of His Catholic Majesty, as subjects. They said that Congress could neither protect their persons or property, or favor their commerce, and that they were desirous to free themselves from all allegiance to a power incapable of affording the smallest benefit in return.

One of the difficult questions for the Spanish authorities to settle with the people they expected to lure to their embrace was that of religion. Spain was not only Catholic, but she had not abandoned the Inquisition, as a means of torturing the rest of the world into a confession of that faith. Gardoquoi had promised all immigrants into Louisiana freedom of religious opinion. Miro, willing to make some concessions, would not concede entire freedom. Just at the time that a promise had been made of a large emigration from the western settlements, Miro received a letter from the Reverend Capuchin Antonio de Sedella, informing him that he had been appointed commissary of the Iniquisition, and that, in order to carry his instructions into perfect execution, he might soon, at some late hour of the night, deem it necessary to require some guards to assist him in his operations. A few hours afterwards, while this inquisitor was reposing, he was roused by an alarm. Starting up, he met an officer and a file of grenadiers, who, he supposed, had come to obey his orders. "My friends," said he, "I thank you and his excellency for the readiness of this compliance with my request. But I have no use for your services, and you shall be warned in time when you are wanted. Retire, then, with the blessing of God." The surprise of the Holy Father may be conceived when told that he was under arrest. "What!" he exclaimed, "will you dare lay hands on a commissary of the Holy Inquisition?"

"I dare obey orders," was the stern reply,—and Father de Sedella was immediately conducted on board a vessel, which sailed the next day for Cadiz.

Miro, writing to one of the members of the cabinet of Madrid, concerning this unceremonious removal, says: "The mere name of the Inquisition, uttered in New Orleans, would be sufficient, not only to check immigration, which is successfully progressing, but would also be capable of driving away those who have recently come, and I even fear that in spite of my having sent out of the country Father Sedella, the most fatal consequences may ensue from the mere suspicion of the cause of his dismissal." This was the first and last attempt of the Spaniards to plant the Inquisition in North America.

In the midst of these intrigues and schemes, Navarro, the talented intendant, was recalled by his Government, and returned to Spain. The two offices of governor and intendant thus became united in Miro. In his last official despatch, Navarro expressed his views of the province with considerable detail. He depicted the dangers which Spain had to fear from the United States, — predicting that the "new-born giant would not be satisfied until he extended his domains across the continent, and bathed his vigorous young limbs in the placid waters of the Pacific." A severance of the Union was, in his opinion, the only way this could be prevented. This was not difficult, if the present circumstances were turned to advantage. "Grant," said he, "every sort of commercial privilege to the masses in the Western region, and shower pensions and honors on the leaders."

While actively engaged in the prosecution of his intrigue with Miro, we learn from a letter written to that official in February, 1789, that in October of the previous year Wilkinson met with Col. Connelly, a British officer, who, he says, "had travelled through the woods to the mouth of the river Big Miami, from which he came down the Ohio in a boat." He claimed to be an emissary of Lord Dorchester, the governor-general of Canada. Ignorant of Wilkinson's secret negotiations with Miro, he met him by invitation, at his house, and upon Wilkinson's assurance of regard for the interests of His Britannic Majesty, Connelly unfolded to him the object of his mission. He informed Wilkinson that Great Britain was desirous of assisting the Western settlers in their efforts to open the navigation of the Mississippi. She would join them to dispossess Spain of Louisiana, and as the forces in Canada were too small to supply detachments for the purpose, Lord Dorchester would, in place thereof, supply our men with all the implements of war, and with money, clothing, etc., to equip an army of ten thousand.

Wilkinson, in his letter to Miro, says: "After having pumped out of him all that I wished to know, I began to weaken his hopes by observing that the feelings of animosity engendered by the late Revolution were so recent in the hearts of the Americans that I considered it impossible to entice them into an alliance with Great Britain; that in this district, particularly in that part of it where the inhabitants had suffered so much from the barbarous hostilities of the Indians, which were attributed to British influence, the resentment of every individual was much more intense and implacable. In order to justify this opinion of mine I employed a hunter, who feigned attempting his life. The pretext assumed by the hunter was the avenging the death of his son, murdered by the Indians at the supposed instigation of the English. As I hold the commission of a civil judge, it was of course to be my duty to protect him against the pretended murderer, whom I caused to be arrested and held in custody. I availed myself of this circumstance to communicate to Connelly my fear of not being able to answer for the security of his person, and I expressed my doubts whether he could escape with his life. It alarmed him so much that he begged me to give him an escort to conduct him out of the territory, which I readily assented to, and on the 20th of November he recrossed the Ohio on his way back to Detroit."

Such was the influence of Wilkinson with the people of the districts of Kentucky and Cumberland, that between the years 1786 and 1792 he thwarted them four times in their designs to invade Louisiana, after preparations had been made for that purpose. His object was to unite the Western settlements with Spain,—not to maintain the integrity of the Federal Union. Circumstances which had occurred several years before this time gave birth to another intrigue of remarkable character, which developed itself in the fall of 1788. The Western portion of North Carolina, known as the Washington District, in 1786 declared itself independent, and organized a government under the name of the State of Frankland. Congress interfered, put an end to the new State, and restored the country to North Carolina. Indignant at the interposition, the secessionists persisted in their designs, and through their displaced governor, on the 12th of September, informed the Spanish minister, Gardoquoi, that they "were unanimous in their vehement desire to form an alliance and treaty of commerce with Spain, and put themselves under her protection. The settlers of Cumberland River, who were also under the jurisdiction of North Carolina, gave the name of Miro to a district they had formed, as evidence of their partiality for the Spanish Government. The promise of protection which the inhabitants of the two districts received from Gardoquoi was so modified by Miro that the scheme, though prosecuted for a time with great vigor, finally failed from inability on the part of the secessionists to comply with the conditions of recognition.

A company composed of Alexander Moultrie, Isaac Huger, Major William Snipes, Colonel Washington, and other distinguished South Carolinans was formed at Charleston in 1789, which purchased from the State of Georgia 52,900 square miles of territory, extending from the Yazoo to the banks of the Mississippi near Natchez. The Choctaws, Chickasaws, and Spain claimed a portion of this territory. The ulterior designs of the company in the purchase and settlement of the country were carefully concealed for some time. Wilkinson, who was still engaged in the effort to dismember the Union, having heard of this purchase, lost no time in communicating his views to the company and expressing a desire to coöperate with them as their agent. At the same time he addressed a letter to Miro, in which, after telling him that he had applied to the company for an agency, he says: —

"If I succeed, I am persuaded that I shall experience no difficulty in adding their establishment to the domains of His Majesty, and this they will soon discover to be to their interest. . . . You will have the opportunity to modify the plan of the company as your judgment and prudence will suggest, and the interest of the King may require. I will keep you informed of every movement which I shall observe, and it will be completely in your power to break up the projected settlement, by inciting the Choctaws to incommode the colonists, who will thus be forced to move off and to establish themselves under your government."

Wilkinson's application for an agency was declined, because of the appointment of Dr. O'Fallon before it was received. He wrote to Miro on the subject of the company's purposes. After speaking of the dissatisfaction of the members of the company with the Federal Government, he states that he has induced them to become subjects of Spain, "under the appearance of a free and independent state, forming a rampart for the adjoining Spanish territories, and establishing with them an eternal reciprocal alliance offensive and defensive. This," he continues, "for a beginning, when once secured with the greatest secrecy, will serve, I am fully persuaded, as an example to be followed by the settlements on the western side of the mountains, which will separate from the Atlantic portion of the Confederacy, because, on account of the advantages which they will expect from the privilege of trading with our colony under the protection of Spain, they will unite with it in the same manner, and as closely as are the Atlantic States with France, receiving from it every assistance in war, and relying on its power in the moment of danger."

In a letter written to Miro on the 20th of June, Wilkinson fully endorses the plans of the company. Miro submits to the Court at Madrid the documents unfolding these plans, accompanied by a despatch in which he sums up the advantages and disadvantages of "taking a foreign state to board with us." When near the conclusion, he explains how he has excited the hostility and secured the opposition of all the Indian tribes to the Americans. "I have recommended them," says he, "to remain quiet, and told them if these people presented themselves with a view to settle on their lands, then to make no concessions, and to warn them off; but to attack them in case they refused to withdraw; and I have promised that I would supply them with powder and ball to defend their legitimate rights."

Both Louisiana and the United States became at this time apprehensive that an invasion of the former would be attempted by the British from

Canada. Such an event would impose upon our Government the necessity of determining a course proper to be pursued, should a passage be asked by Great Britain for his troops through our territory or should that passage be made without permission. The opportunity was deemed favorable to the prosecution of our claim to the navigation of the Mississippi, and negotiations were opened with Spain for the purchase of the Island of New Orleans and the Floridas, — but Spain declined our offer of friendship, the only consideration we were then able to give, and the project failed. Miro's administration terminated in 1791. He was succeeded by the Baron de Carondelet.

Such was the confidence inspired in the Government by the adoption of the Constitution, and the firm and watchful administration of Washington, that, not only in the Eastern States, but in the Western districts also, all intrigues, cabals, and schemes of dismemberment, during the first three years of Carondelet's administration, had seemingly expired. A brighter era had dawned upon the country; hope had taken the place of doubt in the minds of the people, and the old patriotism, which had borne us through the Revolution, reinstated loyalty in the bosoms of thousands, whose thoughts had been for years ripening for revolt. But the danger was not all over. Some discontented and some ambitious spirits yet remained in the West. Great Britain cast a greedy eye occasionally at the mouth of the Mississippi, and poor torn, bleeding France, which had just murdered her King, sent a sufficient number of her maniac population to our shores to keep the spirit of misrule in action.

Early in the year 1794 a society of French Jacobins, established in Philadelphia, sent a circular to Louisiana which was widely distributed among the French population of the province, appealing to them to take up arms and cast off the Spanish yoke. The alarm which this gave the Baron de Carondelet was increased by a knowledge of the efforts put forth by Genet, the French minister to the United States, to organize and lead an expedition of French and Americans against Louisiana. Armed bands had assembled upon the Georgia frontier to join it, and French emissaries were everywhere stirring up the Western people to aid in the invasion. New Orleans was strongly fortified, and the grim visage of war was again wrinkled for the conflict.

Fear of invasion over, Carondelet addressed himself with great vigor to the unfinished schemes of Miro for dismembering the Union and winning over the Western settlements to Spain. Meantime, the negotiations so long pending between our Government and Spain, on the 20th of October, 1795, culminated in the Treaty of Madrid. By this treaty a boundary line was established between the United States and the Floridas. Spain also conceded to our people the free navigation of the Mississippi from its source to the sea, and agreed to permit them, "for the term of three years, to use the port of New Orleans as a place of deposit for their produce and merchandise, and export the same free from duty or charge, except a reasonable consideration to be paid for storage and other incidental expenses; that the term of three years may, by subsequent negotiation be extended; or, instead of that town, some other point in the island of New Orleans shall be designated as a place of deposit for the American trade."

It was believed by the provincial authorities that this treaty was formed for the purpose of propitiating the neutrality of our Government in the event of a war, at that time imminent between Great Britain and Spain. They had no faith in its permanency, or that its provisions would be observed by Spain after her European embarrassments had been settled. Instead of arresting, it had the effect to stimulate the efforts of Carondelet in his favorite plan for the acquisition of the Western settlements. He made proposals to Sebastian, Innis, and other early associates of Wilkinson, and through his emissaries approached Wilkinson himself with promises, but it was too late. The Union had become consolidated. The wise counsels of Washington allayed discontent, and the successful campaign of Wayne had given assurance of protection. Wilkinson and his associates, foiled in the designs formed and conducted under more favorable auspices, whatever their aspirations might have been, were too sagacious to revive an enterprise which neither policy nor necessity could excuse, and which a vigilant government was sure to punish. After a few more struggles the Spanish authorities, on the 26th of May, 1798, surrendered to Wilkinson, who, by the death of Wayne, had been promoted, the territory claimed by the Treaty of Madrid, and the Spanish power in America from that moment began to decline.

Morales, the Spanish intendant, construing the letter of the treaty strictly, on the 17th of July, 1799, chose to consider that three years had elapsed since its ratification, and, for the purpose of crippling the commerce of the Western people, issued an order prohibiting the use of New Orleans as a place of deposit by them, without designating in accordance with the treaty any other suitable point. This measure aroused the indignation of the West. An expedition against New Orleans was openly contemplated. President Adams ordered three regiments of regulars to the Ohio, with instructions to have in readiness a sufficient number of boats to convey the troops to New Orleans. Twelve new regiments were added to the army, and an invasion seemed inevitable, and would most certainly have been attempted, had not indications of a popular determination to elect Mr. Jefferson to the Presidency caused the postponement of a project which could not be completed before the close of Mr. Adams' administration.

No public documents of the period, accessible to me, speak of the suspension by the Spaniards of this prohibitory order, but from the fact that it was renewed afterwards, as we shall have occasion to notice, there can be no doubt that terms of accommodation satisfactory to the Western people were for the time agreed upon.

Napoleon, at this time First Consul, cast a longing eye at the mouth of the Mississippi. His ministers had been instructed to obtain all possible information concerning Louisiana. M. de Pontalba, who had passed an official residence of many years in Louisiana, prepared at their request a very remarkable memoir on the history and resources of that province, which was presented to the French Directory on the 15th of September, 1800. On the 1st of October following, a treaty between France and Spain was concluded at St. Ildephonso, of which the third article is in the following words: —

"His Catholic Majesty promises and engages to retrocede to the French Republic, six months after the full and entire execution of the above conditions and stipulations, relative to His Royal Highness the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it ought to be after the treaties subsequently entered into between Spain and the other States."

France being at war with England when this treaty was concluded, it was carefully concealed, lest England, then mistress of the seas, should take the country from her.

CHAPTER II.

LOUISIANA PURCHASE.

ALARM OF OUR GOVERNMENT AT THE CESSION TO FRANCE — MR. LIVINGSTON APPOINTED MINISTER TO FRANCE — TALLEYRAND — HIS RETICENCE — TEDIOUS DELAY — RIGHT OF DEPOSIT PROHIBITED — EFFECT UPON WESTERN PEOPLE — MR. JEFFERSON APPOINTS MR. MUNROE EXTRAORDINARY MINISTER — CONGRESS — DEBATE — FEDERAL OPPOSITION — WAR BETWEEN FRANCE AND ENGLAND AGAIN IMMINENT — BONAPARTE'S PROPOSITION — TREATY AGREED UPON AND SIGNED— ACTION OF CONGRESS — EXTENT OF TERRITORY PURCHASED.

THE retrocession of Louisiana to France was not suspected by our Government until March, 1801, six months after the treaty of St. Ildephonso was concluded. It was then brought to the notice of Mr. Madison, the secretary of State, by Mr. Rufus King, our minister at the Court of St. James. Mr. Madison seems to have shared the incredulity of England and other powers regarding the event, for he took no notice of the intimation conveyed by Mr. King's despatch until it was partially confirmed by another from the same source on the 1st of June thereafter. In the first letter on the subject, Mr. King had deemed it of sufficient importance to recommend the appointment of a minister to represent the interests of our Government near the Court of France. In the last he depicted as a possible effect of the acquisition that "it might enable France to extend her influence and perhaps her dominion up the Mississippi and through the lakes, even to Canada."

Our Government took the alarm instantly. The negotiations it had effected with Spain, though still embarrassed with some offensive conditions, had produced a state of comparative quiescence in the West; all dangerous intrigues were at an end, and a further settlement had been projected which would harmonize all opposing interests and forever secure to our Western possessions the uninterrupted enjoyment of free navigation of the Mississippi to the ocean. Such an arrangement with France was deemed impossible. In the hands of Napoleon, Louisiana would be at once transformed into a powerful empire, and the Mississippi would be used as a highway to transport troops on errands of meditated invasion all over the continent of North America. In her eager desire to regain the Canadian possessions taken from her by Great Britain, she would march her armies through our territories and inevitably embroil us in a war which would prove in the end fatal to the liberties we had just established. Heavy duties would necessarily be imposed upon our Western population, and all the prejudices now so fortunately allayed would be revived against the Government because of its powerlessness to relieve them.

Mr. Madison addressed a despatch to Mr. Pinckney, our minister at Madrid, requesting him to ascertain whether a treaty had been made, and if so, the extent of the cession made by it. The Government appointed Mr. Robert R. Livingston minister to France.

In October, 1801, Mr. King succeeded in procuring a copy of the secret treaty and forwarded it to Mr. Madison. In the midst of the alarm occasioned by this intelligence the war between France and England was terminated and articles of peace signed on the 1st of October, 1801. France commenced secret preparations to avail herself of the treaty and take early possession of Louisiana. In the meantime Mr. Livingston had arrived in Paris. On the 12th of December, in a despatch to Mr. Madison, he informed him that he had hinted to one of the ministers that a cession of Louisiana would afford them the means of paying their debts, — to which the minister replied: "None but spendthrifts satisfy their debts by selling their lands," adding, however, after a short pause, "but it is not ours to give."

Talleyrand was the Minister of Exterior Relations. In all his interviews with Mr. Livingston relative to the purchase of Louisiana he fully exemplified one of the maxims of his life, that "language was made to enable people to conceal their ideas." All of Mr. Livingston's inquiries respecting the treaty were met with studied reserve, duplicity, and positive denial. Often when he sought an interview the minister was preoccupied or absent. He not only failed to obtain information of the extent of the cession, whether it included the Floridas, but so undemonstrative were the communications of the minister upon the subject, that often he left him doubtful of the intention of France to comply with the terms of the treaty at all. His despatches to Mr. Madison, while they show no lack of exertion or expedient on his part to obtain the desired information, bear evidence of the subtlety, cunning, and artifice of one of the greatest masters of statecraft the world has yet produced. At one time he expresses his concern at the reserve of the French Government, and importunes Talleyrand to inform him "whether East and West Florida or either of them are included in the treaty, and afford him such assurances, with respect to the limits of their territory, and the navigation of the Mississippi, heretofore agreed upon between Spain and the United States, as may prove satisfactory to the latter."

"If," he continues in the same note, "the territories of East and West Florida be included within the limits of the cession obtained by France, the undersigned desires to be informed how far it would be practicable to make such arrangements between their respective governments, as would at the same time aid the financial operations of France and remove by a strong natural boundary all future causes of discontent between her and the United States.

Six days afterwards he writes to Mr. Madison that he has received no reply to the above note. A month later in a despatch he says: "They have as yet not thought it proper to give me any explanations." One month afterwards he writes: "The business most interesting to us, that of

Louisiana, still remains in the state it was. The minister will give no answer to any inquiries I make on the subject. He will not say what their boundaries are, what are their intentions, and when they are to take possession."

Meantime the treaty of Amiens opened the ocean to Bonaparte's contemplated expedition to Louisiana. The anxiety of our Government was greatly increased. Mr. Madison, in a despatch full of complaint at the ominous silence of the French minister, among other intimations, conveys the following: —

"Since the receipt of your last communication, no hope remains but from the accumulating difficulties of going through with the undertaking, and from the conviction you may be able to impress that it must have an instant and powerful effect in changing the relations between France and the United States."

Fears were entertained that the British Government might have acquiesced in the treaty, so as to impair the stipulations concerning the free navigation of the Mississippi, but these were dissipated by the assurance of Lord Hawkesbury, in reply to a letter addressed to him on the subject by Mr. King, that "His Majesty had not in any manner directly or indirectly acquiesced in or sanctioned the cession."

Nearly one month after this last despatch to Mr. Madison, Mr. Livingston again informs him that "the French Government still continues to hold the same conduct with respect to his inquiries in relation to the designs on Louisiana," but assures him that nothing shall be done to impair the friendly relations between America and France. Eight days after this despatch was written, he writes again that he has acquired information on which he can depend, in relation to the intention of the French Government. "Bernadotte," says he, "is to command, Collot second in command; Adet is to be prefect;" but the expedition is delayed until about September, on account of some difficulty, which Mr. Livingston conceives to have "arisen from the different apprehensions of France and Spain relative to the meaning of the term Louisiana, which has been understood by France to include the Floridas, but probably by Spain to have been confined to the strict meaning of the term."

On the 30th of July, 1802, Mr. Livingston informs Mr. Madison that he is preparing a lengthy memorial on the subject of the mutual interest of France and the United States relative to Louisiana; and that he has received the explicit assurance of the Spanish ambassador that the Floridas are not included in the cession.

On the 10th of August following he again writes the secretary that he has put his essay in such hands as he thinks will best serve our purposes. "Talleyrand," he says, "has promised to give it an attentive perusal; after which, when I find how it works, I will come forward with some proposition. I am very much at a loss, however, as to what terms you would consider it allowable to offer, if they can be brought to sale of the Floridas, either with or without New Orleans, which last place will be of little consequence if we possess the Floridas, because a much better passage may be found on the east side of the river."

Mr. Livingston now followed up his interrupted negotiation with activity. He made several propositions for the purchase of Louisiana, but was informed by the minister that all offers were premature. "There never," says Mr. Livingston in a despatch to the secretary of state, "was a Government in which less could be done by negotiation than here. There is no people, no legislature, no counsellors. One man is everything. He seldom asks advice, and never hears it unasked. His ministers are mere clerks;

and his legislature and counsellors parade officers. Though the sense of every reflecting man about him is against this wild expedition, no one dares to tell him so. Were it not for the uneasiness it excites at home, it would give me none; for I am persuaded that the whole will end in a relinquishment of the country and transfer of the capital to the United States.

Soon after this, Mr. Livingston had an interview with Joseph Bonaparte, who promised to receive any communication he could make to Napoleon. "You must not, however," he said, "suppose my power to serve you greater than it actually is. My brother is his own counsellor, but we are good brothers. He hears me with pleasure, and as I have access to him at all times I have an opportunity of turning his attention to a particular subject that might otherwise be passed over." He informed Mr. Livingston that he had read his notes and conversed upon the subject with Napoleon, who told him that he had nothing more at heart than to be upon the best terms with the United States."

On the 11th of November Mr. Livingston wrote a hurried letter to Mr. Madison, informing him that orders had been given for the immediate embarkation of two demi-brigades for Louisiana, and that they would sail from Holland in about twenty days. The sum voted for this service was two and one-half millions of francs. "No prudence," he concludes, "will, I fear, prevent hostilities ere long; and perhaps the sooner their plans develop themselves the better."

This was the condition of affairs when the Western people, beginning to feel the effect of a proclamation suspending their right of deposit in New Orleans, were importuning our Government for relief. Some idea may be formed of the excitement which this act had produced, on reading the following, of many similar appeals addressed to Congress by them: —

"The Mississippi is ours by the law of nature; it belongs to us by our numbers, and by the labor which we have bestowed on those spots which, before our arrival, were desert and barren. Our innumerable rivers swell it, and flow with it into the Gulf of Mexico. Its mouth is the only issue which nature has given to our waters, and we wish to use it for our vessels. No power in the world shall deprive us of this right. We do not prevent the Spaniards and the French from ascending the river to our towns and villages. We wish in our turn to descend it without any interruption to its mouth, to ascend it again, and exercise our privilege of trading on it, and navigating it at our pleasure. If our most entire liberty in this matter is disputed, nothing shall prevent our taking possession of the capital, and when we are once masters of it we shall know how to maintain ourselves there. If Congress refuses us effectual protection, if it forsakes us, we will adopt the measures which our safety requires, even if they endanger the peace of the Union and our connection with the other States. No protection, no allegiance."

Perhaps at no period in the history of our Government was the Union in more immediate danger of dissolution. Had our citizens been fully apprized of our relations with France, and the neglect with which our ambassador was treated, nothing could have prevented an immediate secession of the people west of the Alleghanies. Mr. Madison saw the gathering of the storm, and on the 27th of November, a few days before Congress assembled, addressed an earnest despatch to the American minister at Madrid. "You are aware," said he, "of the sensibility of our western citizens to such an occurrence. This sensibility is justified by the interest they have at stake. The Mississippi to them is everything. It is the Hudson, the Delaware, the Potomac, and all the navigable rivers of the Atlantic States, formed into one stream. . . . Whilst you presume therefore, in your representations to the Spanish Government, that the conduct of its officer is no less contrary to its intentions than it is to its good faith, you will take care to express the strongest confidence that the breach of the treaty will be repaired in every way which justice and regard for a friendly neighborhood may require."

Congress met, and President Jefferson, in a message on Louisiana, said: "The cession of the Spanish province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations which will doubtless have just weight in any deliberations of the legislature connected with that subject."

That body replied: "That, relying with perfect confidence on the wisdom and vigilance of the Executive, they would wait the issue of such measures as that department of the Government should have pursued for asserting the rights of the United States, — holding it to be their duty at the same time to express their unalterable determination to maintain the boundaries and the rights of navigation and commerce through the river Mississippi, as established by existing treaties."

Party spirit at this time was but another name for party animosity. The Federalists, anxious to regain the power that they had lost by the election of Jefferson, seized upon the subject of Mr. Livingston's mission and the proclamation of prohibition by the Spanish intendant, and held them up before the people as the necessary and inevitable product of Democratic principles. They were determined if possible to force the country into a war of invasion against New Orleans and the country including the mouth of the Mississippi, — a measure in which the Western people would generally co-operate. The administration, on the other hand, still adhered to the policy of negotiation, — and foreseeing that it must be expeditious to avoid the inevitable destruction of the party, and deprive the Federals of the prestige which their vigorous measures were acquiring for them, President Jefferson, on the 10th of January, 1803, wrote to Mr. Munroe:—

"I have but a moment to inform you that the fever into which the Western world is thrown by the affair of New Orleans, stimulated by the mercantile and generally the Federal interest, threatens to overbear our peace. In this situation we are obliged to call on you for a temporary sacrifice of yourself, to prevent this greatest of evils in the present prosperous tide of affairs. I shall to-morrow nominate you to the Senate for an extraordinary mission to France, and the circumstances are such as to render it impossible to decline; because the whole public hope will be rested on you."

The Senate confirmed the nomination. Mr. Jefferson again wrote to Mr. Monroe, urging him not to decline. "I know nothing," he says, "which would produce such a shock, for on the event of this mission depend the future destinies of this republic. If we cannot by a purchase of the country insure to ourselves a course of perpetual peace and friendship with all nations, then, as war cannot be far distant, it behooves us immediately to be preparing for that course, without, however, hastening it; and it may be necessary (on your failure on the Continent) to cross the Channel."

The session of Congress had advanced to the middle of February before any remedial measures were proposed for the action of the Spanish intendant at New Orleans. Every fresh despatch from Mr. Livingston was a repetition of the old story of neglect and silence. Meantime the Federal leaders, incited by the continued and growing disaffection of the Western people, as manifested by their inflammable appeals to Congress, had resolved upon recommending immediate hostilities as the *dernier ressort* of the Government. The memorable debate which involved a consideration of this question was opened by Mr. Ross, of Pennsylvania, on the 14th of February, in a speech of remarkable force. The infraction of the treaty of Madrid of 1795, by which the right of deposit had been solemnly acknowledged, was claimed to be a sufficient justification for a resort to arms. In the further progress of this argument the speaker considered the opportunity as too favorable to be lost, because success would be more assured if a war was prosecuted while the Spaniards held possession of the country than it would be after it had passed under the dominion of France. With New Orleans in our possession we could dictate the terms of a treaty that would forever secure our citizens from further molestation. These views were enforced by urgent appeals to the patriotism of the people and the sternest denunciation of the tardy policy of the administration. At the close of his speech Mr. Ross presented a series of resolutions declaring the right of the people to the free navigation of the Mississippi and a convenient place of deposit for their produce and merchandise in the island of New Orleans. The President would have been authorized by their passage to take possession of such place or places in the island or adjacent territories as he might deem fit, and to call into actual service fifty thousand militia to co-operate with the regular military and naval forces in the work of invasion. They also provided for an appropriation of five millions of dollars to defray the expenses of the war.

A long and exhaustive debate followed, in which the speeches on both sides were marked by distinguished ability and eloquence, — those of Mr. Clinton against and Mr. Morris in favor of the resolutions being among the ablest ever before or since delivered on the floor of Congress. Milder measures were finally substituted, authorizing the enrolment of an army of eighty thousand at the pleasure of the President, and Congress adjourned.

Meantime Mr. Livingston reported some little progress in the work of negotiation, and had addressed a memorial to Bonaparte complaining of the conduct of the Spanish intendant. Just at this time hostilities were again about to be renewed between England and France. Mr. Addington, the British minister, in a conversation with Mr. King upon the subject, observed that in case of war it would be one of the first steps of Great Britain to occupy New Orleans. On the 11th of April, in an interview with Talleyrand, that minister desired to know of Mr. Livingston if our Government wished to purchase the whole of Louisiana. On receiving a negative reply, he remarked that if they "gave New Orleans, the rest would be of little value." "Tell me," he continued, "what you will give for the whole?" At the close of the despatch conveying this information to Mr. Madison, Mr. Livingston appends a postscript saying: "Orders are given this day to stop the sailing of vessels from the French ports; war is inevitable; my conjectures as to their determination to sell is well founded. Mr. Munroe has just arrived."

Fear that Great Britain would make an early attack upon New Orleans, now that war was certain, favored the efforts of Mr. Livingston for an early purchase, and increased the anxiety of France to dispose of the entire province. Indeed, in a consultation with two of his counsellors on the 10th of April, Napoleon fully resolved to sell the whole of Louisiana. The little coquetry that followed between Talleyrand, Marbois, and Livingston was simply to obtain as large a price as possible. Napoleon then said, "I know the full value of Louisiana, and I have been desirous of repairing the fault of the French negotiator, who abandoned it in 1763. A few lines of treaty have restored it to me, and I have scarcely recovered it when I must expect to lose it. But if it escapes from me, it shall one day cost dearer to those who oblige me to strip myself of it, than to those to whom I wish to deliver it. The English have successively taken from France, Canada, Cape Breton, New Foundland, Nova Scotia, and the richest portions of Asia. They are engaged in exciting trouble in St. Domingo. They shall not have the Mississippi, which they covet. Louisiana is nothing in comparison with their conquests in all parts of the globe, and yet the jealousy they feel at the restoration of this colony to the sovereignty of France acquaints me with their wish to take possession of it, and it is thus they will begin the war."

The morning after this conference he summoned his ministers, and terminated a long interview in the following words: — "Irresolution and deliberation are no longer in season. I renounce Louisiana. It is not only New Orleans I will cede, — it is the whole colony without any reservation. I know the price of what I abandon, and have sufficiently proved the importance that I attach to this province, — since my first diplomatic act with Spain had for its object its recovery. I renounce it with the greatest regret. To attempt obstinately to retain it would be folly. I direct you to negotiate this affair with the envoys of the United States. Do not even await the arrival of Mr. Munroe: — have an interview this very day with Mr. Livingston. But I require a great deal of money for this war, and I would not like to commence it with new contributions. . . . I will be moderate in consideration of the necessity in which I am of making a sale. But keep this to yourself. I want fifty millions, and for less than that sum I will not treat; I would rather make a desperate attempt to keep these fine countries. To-morrow you shall have full powers."

On the 30th of April the treaty of cession was signed. Louisiana was transferred to the United States, on condition that our Government should consent to pay to France eighty millions of francs. Of this amount, twenty millions should be assigned to the payment of what was due by France to the citizens of the United States.

Article 3rd of the treaty was prepared by Napoleon himself. It reads: —

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

After the treaty was signed, the ministers rose, shook hands, and Mr. Livingston, expressing the satisfaction which they felt, said: "We have lived long, but this is the noblest work of our whole lives. The treaty which we have just signed has not been obtained by art or dictated by force: — equally advantageous to the two contracting parties it will change vast solitudes into flourishing districts. From this day the United States take their place among the powers of the first rank; — the English lose all exclusive influence in the affairs of America. Thus one of the principal causes of European rivalries and animosities is about to cease. However, if wars are inevitable, France will hereafter have in the New World a natural friend, that must increase in strength from year to year, and one which cannot fail to become powerful and respected in every sea. The United States will re-establish the maritime rights of all the world, which are now usurped by a single nation. These treaties will thus be a guarantee of peace and concord among commercial states. The instruments which we have just signed will cause no tears to be shed; they prepare ages of happiness for innumerable generations of human creatures. The Mississippi and Missouri will see them succeed one another and multiply, truly worthy of the regard and care of Providence, in the bosom of equality, under just laws, freed from the errors of superstition and the scourge of bad government."

When Napoleon was informed of the conclusion of the treaty, he uttered the following sententious prophecy: "This accession of territory strengthens forever the power of the United States; and I have just given to England a maritime rival that will sooner or later humble her pride."

Neither of the contracting parties to this treaty were able to define the boundaries of the vast territory of which it was the subject. They were known to be immense, and in his message to Congress announcing the purchase, Mr. Jefferson says: —

"Whilst the property and sovereignty of the

Mississippi and its waters secure an independent outlet for the produce of the Western States and an uncontrolled navigation through their whole course, free from collision with other powers and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our treasury, an ample provision for our posterity, and a wider spread for the blessings of freedom and equal laws."

It is not surprising that the public men of that day should have feared the consequences of enlarging our republican domain. It looked to them like the renewal of the troubles which they had just escaped by the purchase of New Orleans and the mouth of the Mississippi. It unsettled the ideas they had formed of a Constitutional Government. They could not see, as we can in this day of railroads and telegraphs, how such an immense territory was to be subordinated to the control of a single general government. Hence we find such men as John Quincy Adams, Timothy Pickering, Rufus Griswold, James White, and Uriah Tracy, all men of enlarged, statesmanlike views, opposing the bill entitled "An Act authorizing the erection of a stock to the amount of eleven millions two hundred and fifty thousand dollars, for the purpose of carrying into effect the convention of the 30th of April, 1803, between the United States and the French Republic."

The speech of Mr. White against the passage of the bill is a fair reflex of the views entertained by the leading public men of that day. Speaking of the treaty he says: —

"I wish not to be understood as predicting that the French will not cede to us the actual and quiet possession of the territory. I hope to God they may, for possession of it we must have: — I mean of New Orleans and of such other portions on the Mississippi as may be necessary to secure to us forever the complete and uninterrupted navigation of that river. This I have ever been in favor of. I think it essential to the peace of the United States and the prosperity of our Western country. But as to Louisiana, this new, immense, unbounded world, if it should be ever incorporated into this Union, which I have no idea can be done but by altering the Constitution, I believe it will be the greatest curse that could at present befall us; it may be productive of innumerable evils, and especially of one that I fear even to look upon. Gentlemen on all sides, with very few exceptions, agree that the settlement of the country will be highly injurious and dangerous to the United States; but as to what has been suggested of removing the Creeks and other nations of Indians from the eastern to the western banks of the Mississippi, and making the fertile regions of Louisiana a howling wilderness, never to be trodden by the foot of civilized man, it is impracticable. . . . To every man acquainted with the adventurous, roving, and enterprising temper of our people, and with the manner in which our Western country has been settled, such an idea must be chimerical. The inducements will be so strong, that it will be impossible to restrain our citizens from crossing the river. Louisiana must and will be settled, if we hold it, and with the very population that would otherwise occupy part of our present territory. Thus our citizens will be removed to the immense distance of two or three thousand miles from the capital of the Union, where they will scarcely ever feel the rays of the General Government: their affections will become alienated; they will gradually begin to view us as strangers; they will form other commercial connections; and our interests will become distinct.

"These, with other causes that human wisdom may not now foresee, will in time effect a separation, and I fear our bounds will be fixed nearer to our houses than the water of the Mississippi. We have already territory enough, and when I contemplate the evils that may arise to these States from this intended incorporation of Louisiana into the Union, I would rather see it given to France, to Spain, or to any other nation of the earth, upon the mere condition that no citizen of the United States should ever settle within its limits, than to see the territory sold for a hundred millions of dollars, and we retain the sovereignty. . . . And I do say that, under existing circumstances, even supposing that this extent of territory was a desirable acquisition, fifteen millions of dollars was a most enormous sum to give."

Mr. Tracy, after delivering an elaborate argument on the subject, in which he arrives at the conclusion that the purchase itself is constitutional, says: —

"We can hold the territory; but to admit the inhabitants into the Union, to make citizens of them and States by treaty, we cannot constitutionally do; and no subsequent act of legislation, or even ordinary amendment to our Constitution, can legalize such a measure. If done at all they must be done by universal consent of all the States or partners of our political association: and this universal consent I am positive can never be obtained to such a pernicious measure as the admission of Louisiana, — of a world, — and such a world, — into our Union. This would be absorbing the Northern States and rendering them as insignificant in the Union as they ought to be, if by their own consent, the new measure should be adopted."

Mr. Breckinridge did not share in these fears. In the stirring reply which he made to them, he asks: —

"Is the Goddess of Liberty restrained by water-courses? Is she governed by geographical limits? Is her dominion on this continent confined to the east side of the Mississippi? So far from believing in the doctrine that a republic ought to be confined within narrow limits, I believe on the contrary that the more extensive its dominion, the more safe and durable it will be. In proportion to the number of hands you intrust the precious blessings of a free government to, in the same proportion do you multiply the chances for their preservation."

The measure finally became a law, and the United States thereby added to their original domain eight hundred and ninety-three thousand five hundred and seventy-nine square miles, being seventy-eight thousand eight hundred and ninety-nine square miles more than the area of the thirteen States.

The fears entertained by our early statesmen are all forgotten. I have recalled them, not to illustrate any deficiency in the foresight or wisdom of the men of that day, but to show how remarkable has been the progress of improvement, discovery, and invention, by which we have been enabled, not only to incorporate the great Louisiana purchase, but others of still greater extent into the government of the Great Republic. And the future, which even now is teeming with the spirit of acquisition, justifies us in the utterance of the sentiment:

"No pent-up Utica contracts our powers,
For the whole boundless continent is ours."

CHAPTER III.

EUROPEAN TREATIES.

MODE OF DEFINING THE WESTERN BOUNDARY OF LOUISIANA — GREAT BRITAIN NO RIGHT TO ANY PORTION OF THE TERRITORY WEST OF THE ROCKY MOUNTAINS — DISCOVERY OF THE COLUMBIA BY CAPT. GRAY — LEWIS AND CLARKE'S EXPEDITION — ASTOR'S EXPEDITION — NEGOTIATION FOR THE SETTLEMENT OF THE CLAIMS OF GREAT BRITAIN AND THE UNITED STATES — FLORIDA TREATY — RUSSIAN TREATY — RENEWAL OF THE TREATY FOR JOINT OCCUPATION — ACTION OF CONGRESS — DEBATE, AND FINAL SETTLEMENT OF THE BOUNDARY.

THE western boundary of the vast territory ceded to the United States under the name of Louisiana was a geographical problem, incapable of any other than a forced solution. It was claimed that by the treaty of Utrecht, concluded in 1713, the 49th parallel of latitude had been adopted and definitively settled as the dividing line between the French possessions of Western Canada and Louisiana on the south, and the British territories of Hudson Bay on the north, —

and that this boundary extended westward to the Pacific. So unreliable was the evidence in support of this claim, that it was finally determined, in the settlement of the western boundary of Louisiana, to adopt such lines as were indicated by nature, — namely, the crest of the mountains separating the waters of the Mississippi from those flowing into the Pacific. This left in an unsettled condition the respective claims of Spain, Russia, Great Britain, and the United States to the vast territory beyond the Rocky Mountains, extending along the 42nd parallel of latitude west to the Pacific on the south, thence north up the coast indefinitely, thence east to the crest of the Rocky Mountains, thence following the crest, south, to the place of beginning. Both our country and Great Britain recognized an indefeasible right in Spain to some portion of this country, but our relations with Spain were such, at the time, that this opinion was not openly promulgated. The territory included the mouth of the Columbia, the entire region drained by that river and its tributaries, and an extensive region still further north, independent of this great river-system. The most valuable portion of it at this early period in our history was that traversed by the Columbia and its tributaries.

Great Britain had no right, by discovery or otherwise, to any portion of this part of the territory. "The opening," says Greenhow, "through which its waters are discharged into the ocean was first seen in August, 1776, by the Spanish navigator Heceta, and was distinguished on Spanish charts, within the thirteen years next following, as the mouth of the River San Roque. It was examined in July, 1788, by Meares, who quitted it with the conviction that no river existed there. This opinion of Meares was subscribed, without qualification, by Vancouver, after he had minutely examined the coast, 'under the most favorable conditions of wind and weather,' and notwithstanding the assurance of Gray to the contrary." The actual discovery of the mouth of the Columbia was made on the 11th of May, 1792, by Captain Robert Gray, a New England navigator, who says in his log-book under that date: "Beheld our desired port, bearing east-south-east, distant six leagues. At eight A.M., being a little to the windward of the entrance of the harbor, bore away, and ran in east-north-east between the breakers, having from five to seven fathoms of water. When we were over the bar, we found this to be a large river of fresh water, up which we steered."

Captain Gray remained in the Columbia from the 11th until the 20th of August, during which time he sailed up the river fifteen miles, gave to it the name it still bears, trafficked with the natives, and named the capes at the entrance and other points above.

The United States had this claim by discovery to the mouth of the river, and the interior drained by it and its tributaries before the Louisiana purchase was made. After that was agreed upon, at the instance of Mr. Jefferson, Lewis and Clarke were appointed to explore the country up the Missouri to its source and to the Pacific. From the moment of their appearance on the Missouri, their movements were watched by the British, and as soon as the object of their expedition was discovered, the North-West Company, in 1805, sent out their men to establish posts and occupy territories on the Columbia. The British Company proceeded no farther than the Mandan villages on the Missouri. Another party, despatched on the same errand in 1806, crossed the Rocky Mountains near the passage of the Peace river, and formed a small trading establishment in the 54th degree of latitude,—the first British post west of the Rocky Mountains. Neither at this or any subsequent time until 1811 does it appear that any of the waters of the Columbia were seen by persons in the service of the North-West Company.

Lewis and Clarke arrived at the Kooskoovie river, a tributary of the Columbia, in latitude 43° 34′, early in October, 1805, and on the 7th of that month began their descent in five canoes. They entered the great southern tributary, which they called Lewis, and proceeded to its confluence, giving the name of Clarke to the northern branch; thence they sailed down the Columbia to its mouth, and wintered there until the middle of March, 1806. They then returned, exploring the streams which emptied into the Columbia, and furnishing an accurate geographical description of the entire country through which they passed.

Early in 1811 the men sent to the north-west coast in the interest of the Pacific Fur Company, by John Jacob Astor, erected buildings and a stockade with a view to permanent settlement, on a point of land ten miles above the mouth of the Columbia, which they called Astoria. With the exception of one or two trading posts on some of the small streams constituting the head waters of the river, the country had not at this time been visited by the English. Further detail of the history and trials of the Pacific Fur Company is unnecessary in this place, but the reader who desires to acquaint himself with it is referred to Irving's "Astoria" for one of the most thrilling narratives in American history.

In 1818, after Astoria had been sold by the Americans to the British Fur Company, and the stockade occupied by British troops, it was restored to the United States under a provision of the Treaty of Ghent, without prejudice to any of the claims that either the United States, Great Britain, Spain, or Russia might have to the ultimate sovereignty of the territory. The claims of the respective nations were afterwards considered by the plenipotentiaries of Great Britain and the United States. Messrs. Rush and Gallatin, who represented our Government, proposed that the dividing line between the territories should be drawn from the north-western extremity of the Lake of the Woods north or south as the case might require, to the 49th parallel of latitude; thence west to the Pacific. The British commissioners, Messrs. Goldburn and Robinson, agreed to admit the line as far west as the Rocky Mountains. Our representatives on that occasion supported the claim of our Government by citing Gray's discovery, the exploration of the Columbia from source to mouth by Lewis and Clarke, and the first settlement and occupancy of the country by the Pacific Fur Company. The British commissioners asserted superior claims, by virtue of former voyages, especially those of Captain Cook, and refused to agree to any boundary which did not give them the harbor at the mouth of the river in common with the United States. Finding it impossible to agree upon a boundary, it was at length agreed that "all territories and their waters claimed by either power west of the Rocky Mountains should be free and open to the vessels, citizens, and subjects of both for the space of ten years; provided, however, that no claim of either or of any other nation to any part of those territories should be prejudiced by the arrangement."

On the 22nd of February, 1819, Spain ceded Florida to the United States, and by the treaty it was agreed that "a line drawn on the meridian from the source of the Arkansas northward to the 42nd parallel of latitude, and thence along that parallel westward to the Pacific, should form the northern boundary of the Spanish possessions and the southern boundary of those of the United States in that quarter."

On the 5th of April, 1824, the negotiations between the United States and Russia were terminated by a convention signed at St. Petersburg, by which, among other provisions, was one to the effect that "neither the United States nor their citizens shall, in future, form an establishment on those coasts on the adjacent islands north of the latitude of 54° 40′, and the Russians shall make none south of that latitude."

These concessions on the part of Spain and Russia left the United States and Great Britain sole claimants for the entire territory described at the commencement of this chapter, — the claim of Great Britain having been fortified by a treaty with Russia in 1825, in which the Russian Government agreed, as they had done with our Government the previous year, that the line of 54° 40′ should be the boundary between their respective possessions.

The period of ten years' joint occupation by our Government and Great Britain agreed upon in 1818 was now approaching a termination. A new negotiation was opened, and after submitting and rejecting several propositions for a settlement, it was finally agreed between the two Governments that they should continue in the joint occupancy of the territory for an indefinite period, either party being at liberty to demand a new negotiation on giving the other one year's notice of its intention.

The relations thus established between the two Governments continued without interruption until the attention of Congress was called to the subject by President Tyler in his message read at the opening of the session of 1842. The subject was referred to the committees on foreign affairs in both Houses of Congress, and a bill was introduced in the Senate for the occupation and settlement of the territory, and extending the laws of the United States over it. A protracted debate followed, the bill passed the Senate, was sent to the House, where a report against it was made by Mr. Adams, chairman of the committee on foreign affairs, and the session expired without any debate on the subject. When the report of the debates in Congress reached England, it produced some excitement in the House of Commons, and in February, 1844, the Honorable Richard Packenham, plenipotentiary from Great Britain, arrived in Washington with full instructions to treat definitively on all disputed points relative to the country west of the Rocky Mountains.

In August following the British minister opened the negotiation by a proposition which would have given Great Britain two-thirds of the entire territory of Oregon, including the free navigation of the Columbia and the harbors on the Pacific. This was promptly rejected, and no further attempt at adjustment was made until the following year. An offer was then made by President Polk, which being rejected, closed the door to further negotiation. The President recommended to Congress that the agreement for joint occupation be terminated.

A very animated debate, which continued until near the close of the session, sprang up, in which the question of boundary lost most of its national features in the sharp party conflict to which it was subjected. The Democrats, generally adopting the recommendations of the President, advocated the extreme northern boundary of 54° 40′, and were ready, if necessary, to declare that as the ultimatum. A few leaders among them, of whom Colonel Benton was, perhaps, the most prominent, united with the Whigs in opposition to this extreme demand, and the line was finally established by treaty on the 49th parallel.

This mode of settlement probably averted a war between Great Britain and the United States, but after a careful survey of all the facts, including discoveries, explorations, and settlements, I cannot but feel that the concessions were all made by the United States, whose title to the whole of the territory was much more strongly fortified than that of Great Britain to any portion of it.

Hon. James G. Blaine, in a speech delivered at Lewiston, Maine, on August 25, 1888, said: — "The claim of the Democrats to the whole of what now constitutes British Columbia, up to latitude 54° 40′, was a pretence put forth during the presidential canvass of 1844 as a blind in order to show that they were as zealous to secure Northern territory as they were bent on acquiring Southern territory. President Polk made his campaign on this claim. The next thing the country heard was that Mr. Polk's administration was compelled to surrender the whole territory to Great Britain, confessing that they had made pretences which they were unable to maintain or defend. Had they not forced the question to a settlement, the joint occupation which had come down from Jefferson to that hour would have peacefully continued, and with our acquisition of California two years afterwards and the immediate discovery of gold, the thousands of American citizens who swarmed to the Pacific coast would have occupied British Columbia, and the final settlement would doubtless have been in favor of those who were in actual possession, and but for the blundering diplomacy of the Democratic party, which prematurely and without any reason forced the issue, we should to-day see our flag floating over the Pacific front, from the Gulf of California to Behring's Straits."

This chapter is the merest outline of the facts, an extension of which will be found in Greenhow's "History of California and Oregon," to which work I am chiefly indebted for the information herein contained.

CHAPTER IV.

HENRY PLUMMER.

SNAKE RIVER — ITS SCENERY — LEWISTON — ITS APPEARANCE AND SOCIETY — LOYALISTS AND SECESSIONISTS — ARRIVAL OF PLUMMER AND HIS COMPANIONS — A DOMESTIC HISTORY — PLUMMER LEADER OF THE ROUGHS — JACK CLEVELAND — CHEROKEE BOB — BILL BUNTON AND OTHERS.

THE Snake river or Lewis fork of the Columbia takes its rise in a small lake which is separated by the main range of the Rocky Mountains from the large lake of the Yellowstone, that being less than twenty miles distant from it. The Yellowstone, the Madison, Jefferson, and Gallatin, forming the head waters of the Missouri, and the Snake, the largest tributary fork of the Columbia, all rise within or near the limits of the territory recently dedicated by the Government to the purpose of a National Park.

As contrasted with the large rivers of regions other than the one it traverses, the Snake river would be a very remarkable stream, but there, where everything in nature is wonderful, it is simply one of the marked features in its physical geography. From its source to its junction with the Clarke fork of the Columbia, a distance of nine hundred miles, it flows through a region which, at some remote period, has been the scene of greater volcanic action than any other portion of North America. Unlike other streams, which are formed by rivulets and springs, this river is scarcely less formidable in its appearance at its commencement than at its termination. It leaps into rapids from the moment of its exit, and its waters, blackened by the basaltic bed through which it flows, roar and fret, and lash the sides of the gloomy cañon which it enters, presenting a scene of tumult and fury, that extends far beyond the limits of vision. This initiatory character it maintains, alternated with occasional reaches of quiet large expansions, and narrow contractions, fearful and tremendous cataracts, to its debouchure into the Columbia. Its channel and its course, alike sinuous, have obtained for it its name. Navigation is impeded by reason of fearful rapids, every few miles of the first five hundred after leaving the lake. The shores for most of the distance are barren rock, always precipitous, often inaccessible from the river, and frequently engorged by lofty mountains and rocky cañons which shut its inky surface from the light of day. The scenery, though on the most tremendous scale, is savage, unattractive, and frightful. Its waters lash the base of the three Tetons, so celebrated as the great landmarks of this portion of the continent. As they approach the Columbia they break into frequent cataracts, the largest of which, the great Shoshone Fall, with a perpendicular descent of two hundred and fifty feet, presents many points of singular interest.

On the river, twelve miles above its mouth, at a point accessible from the Columbia by small steamboats, stands the little village of Lewiston, which, at the time of which I write, was the capital of all the vast territory that had been just organized under the euphonic name of Idaho. This territory then included Montana, which had not been organized. Lewiston, being the nearest accessible point by water to the recently discovered gold placers of Elk City, Oro Fino, Florence, and Warner Creek, grew with the rapidity known only to mining towns into an emporium. In less than three months from the time the first immigrants commenced to establish a settlement there, several streets of more than a mile in length were laid out, thickly covered on either side with dwellings, stores, hotels, and saloons, chiefly constructed of common factory cotton. A tenement of this kind could be extemporized in a few hours. The frame was of light scantling or poles, and the cloth in most cases fastened to it with tacks. Seen from a distance, the town had the appearance of being built of white marble, but 'twas truly

"Distance lent enchantment to the view,"

for upon entering it the fragility of the material soon disabused the vision and the admiration of the beholder. At night, when lights were burning in these frail tenements, a stranger would think the town illuminated. The number of drinking and gambling saloons was greatly in excess of stores and private dwellings, and to nearly all of these was attached that most important attraction of a mining town, the hurdy-gurdy. The sound of the violin which struck the ear on entering the street, was never lost while passing through it, and at many of the saloons the evidence of the bacchanal orgies which were in progress inside was often apparent in the eagerness exhibited by the crowd which surrounded the building without. The voices of auctioneers on the street corners, the shouts of frequent horsemen as they rode up and down the streets, the rattle of vehicles arriving and departing for the miners' camps, troops of miners, Indians, gamblers, the unmeaning babble of numerous drunken men, the tawdrily apparelled dancing women of the hurdy-gurdys, altogether present a scene of life in an entirely new aspect to the person who for the first time enters a mining town. It is a feature of modern civilization which cannot elsewhere be found, search the whole world over. The thirst for gold is shared by all classes. Those who are unwilling to labor, in their efforts to obtain it by less honorable means, flock to the mines to ply their guilty vocations. Hence there is no vice unrepresented in a mining camp, and no type or shade of character in civilized society that is not there publicly developed. The misfortune is, as a general thing, that the worst elements, being most popular, generally preponderate.

Our civil war was raging at the time that Lewiston became a mining emporium. Sympathizers with each party fled to the mines, to escape the possible responsibilities they might incur by remaining in the States. They carried their political views with them, and identified themselves with those portions of society which reflected their respective attachments. Loyalty and Secession each flourished by turn, and were the prolific causes of frequent bloody dissensions. There was no law to restrain human passion, so that each man was a law unto himself, according as he was swayed by the evil or good of his own nature. The temptations to evil, not so numerous, were much more powerful than were ever before presented to a great majority of the immigrants. Gambling and drinking were made attractive by the presence of debased women, who lured to their ruin all who, fortunate in the possession of gold, could not withstand their varied devices.

In the spring of 1861, among the daily arrivals at Lewiston, was a man of gentlemanly bearing and dignified deportment, accompanied by a lady, to all appearance his wife. He took quarters at the best hotel in town. Before the close of the second day after his arrival his character as a gambler was fully understood, and in less than a fortnight his abandonment of his female companion betrayed the illicit connection which had existed between them. Alone, among strangers, destitute, the poor woman told how she had been beguiled, by the promises of this man, from home and family, and induced to link herself with his fortunes. A fond husband and three helpless children mourned her loss by a visitation worse than death. Lacking moral courage to return to her heart-broken husband and ask forgiveness, she sought to drown her sorrow by plunging still deeper into the abyss of shame and ruin. Soon, alas! she became one of the lowest inmates of a frontier brothel. This latest crime of Henry Plummer was soon forgotten, or remembered only as one of many similar events which occur in mining camps.

He, meanwhile, in the pursuit of his profession as a gambler, formed the acquaintance of many congenial spirits. From their subsequent operations it was also apparent that at his instigation an alliance was formed with them which had for its object the attainment of fortune by the most desperate means. Every fortunate man in any of the mining camps was marked as the prey, sooner or later, of this abandoned combination. Every gambler or rough infesting the camp, either voluntarily or by threats was induced to unite in the enterprise; and thus originated the band of desperadoes which, for the succeeding two years, by their fearful atrocities, spread such terror through the northern mines. Plummer was their acknowledged leader.

Professional gamblers everywhere, in a new country, form a community by themselves. They have few intimates outside of their own number. A sort of tacit understanding among them links them together by certain implied rules and regulations, which they readily obey. Of the same nature, we may suppose, was the bond which united Plummer and his associates in their infernal designs of plunder and butchery. The honor which thieves accord each other, the prospect of unlimited reward for their vicious deeds, and the certainty of condign punishment for any act of treachery, secured the band and its purposes against any betrayal by its members.

Nowhere are the conventionalities of social life sooner abandoned than in a mining camp. To call a man by his proper name there generally implies that he is either a stranger or one with whom you do not care to make acquaintance. The gamblers were generally known by diminutive surnames or appellations significant of their characters. I shall so designate those of them who were thus known, in this narrative.

Prominent among the associates of Plummer at Lewiston, were Jack Cleveland, Cherokee Bob and Bill Bunton. Cleveland was an old California acquaintance, familiar with Plummer's early history. He used this fatal knowledge, as it afterwards proved, in a dictatorial and offensive manner, often presuming upon it to arrogate a position in the band which by common consent was assigned to Plummer.

Cherokee Bob was a native Georgian, and received his name from the fact that he was a quarter-blood Indian. He was bitter in his hatred of the loyal cause and all engaged in it. Before he came to Lewiston he had, in an affray of his own plotting, killed two or three soldiers in the Walla Walla theatre. He fled to Lewiston to escape the vengeance of their comrades.

Bill Bunton was a double-dyed murderer and notorious horse and cattle thief. He had killed a man at a ball near Walla Walla, was tried for murder and acquitted on insufficient evidence. He afterwards killed his brother-in-law, and in cold blood soon after shot down an Indian, and escaped the clutches of the law by flight. Possessing himself of a ranche on Pataha Creek, he lived there with his Indian wife, under the pretext of farming. It was soon ascertained, however, that his business was secreting and selling stolen stock. The officers made a dash upon his ranche, but the bird had again flown. Soon afterward, disguised in the blanket and paint of an Indian, he entered Lewiston, and lounged about the streets for several days without exciting suspicion. During this time he became a member of Plummer's murderous band.

There were several others whose names are unknown, that entered into the combination formed for systematized robbery and murder at this time. Around this nucleus a large number of desperate men afterwards gathered. They became so formidable in numbers, and their deeds of blood were so frequent and daring, that the mining camps were awed by them into tacit submission, and witnessed without even remonstrance the perpetration of murders and robberies in their very midst, of the most revolting character.

CHAPTER V.

SOCIETY IN LEWISTON.

SHEBANGS — COMPLAINT OF NEZ PERCES — RECKLESSNESS OF ROUGHS, AND INDIFFERENCE OF CITIZENS — INCIDENTS AT THE SHEBANGS — HORSE ROBBERY — EXPRESS RIDERS — MOSE — HIS ESCAPE — FEARLESSNESS — SEVERITY OF WINTER — EFFECT UPON MINING — EXPOSURE TO CRIME — CONDITION OF LEWISTON IN THE WINTER OF 1861-2 — KIRBY MURDERS A COMRADE — HIS ARREST AND ACQUITTAL — MURDER OF HILTEBRANT — CITIZENS' MEETING — ROUGHS IN THE MAJORITY — PLUMMER'S INTERFERENCE — HILTEBRANT'S BROTHER.

TOWARDS the close of the summer of 1862, the band organized by Plummer having increased in numbers, he selected two points of rendezvous, as bases for their operations. These were called "shebangs." They were enclosed by mountains, whose rugged fastnesses were available for refuge in case of attack.

One was located between Alpwai and Pataha creeks, on the road from Lewiston to Walla Walla, about twenty-five miles from the former, and the other at the foot of Craig's Mountain, between Lewiston and Oro Fino, at a point where the main road was intersected by a trail for pack animals. The location of the latter was upon ground reserved by treaty to the Nez Percés Indians, and near a military post established for its protection. The chief of the tribe complained, to the resident agent of the Indians, of the aggression. He laid the complaint before the commandant of the post, who treated it with neglect. The robbers occupied the spot without molestation, and when they abandoned it it was of their own accord.

There were several smaller stations nearer to Walla Walla and Lewiston, which were only occupied as occasion might require. A close communication was established between these localities, by which the operations of each were speedily known to all. Plummer, meantime, while secretly directing the affairs of the "shebangs" and issuing orders continually to the men, contrived to ward off suspicion from himself, and preserve the appearance of a harmless and inoffensive citizen of Lewiston. His notoriety as a gambler was shared by so many better men, and by a great majority of the miners themselves, that it really protected him in his character as a robber. While, therefore, he was prying into the financial condition of those with whom his profession brought him in daily contact in town, he was at the same time informing his confederates at the shebangs of every departure which boded success to their enterprise.

Such of the population as were not, to a greater or less degree, involved in the gambling operations of the community, although perfectly cognizant of the designs of the robbers, were too insignificant in numbers to offer any active opposition. Being without organization, they hardly knew each other. Such was the state of feeling that, if a gambler or rough desired to possess any of the articles on sale by merchants or grocers, he entered a store, selected for himself the best the assortment afforded, and took it away with a request that it should be charged, or stated that some day when he was in luck he would pay for it. Rather than risk an affray, the dealer submitted to the imposition. Payment was generally made, the gamblers entertaining, among themselves, a standard of honor in such matters which it was considered disgraceful to violate.

The two roads upon which the shebangs were located were the only thoroughfares in the country, and not a day passed that they were not traversed by people in going to and returning from the interior mining camps, and in coming into and departing from the country. The number of robberies and murders committed by the banditti will never be known. Mysterious disappearances soon became of almost weekly occurrence. The danger which every man incurred of being robbed or killed was demonstrated by numerous escapes made by horsemen who had been assaulted and fired upon, and escaped by the fleetness of their horses. It was fully understood that whoever passed over either of these roads would have to run the gauntlet in the neighborhood of the shebangs, and people generally went prepared. Crime was fearfully on the increase all through the secluded districts which separated the river from the distant mining camps. The country itself, about equally made up of mountains, foot-hills, cañons, dense pine forests, lava beds, and deep river-channels, was as favorable for the commission of crime as for the concealment of its perpetrators.

The two shebangs swarmed with ruffians. On one occasion a party of half-a-dozen, while riding in the vicinity of Craig's Mountain, were stopped by a volley from the shebang, which, being harmless, was returned. A number of well-mounted robbers started in pursuit. The party escaped by hard spurring, one of the number, to lighten his burden, throwing several large bags of gold dust into the grass. They were afterwards recovered. A butcher by the name of Harkness, of Oro Fino, was also assaulted, and fired upon, who owed his deliverance to the fleetness of his horse. Owners of pack trains never attempted to pass without force sufficient to intimidate the robbers.

The other shebang was used as a receptacle for stolen horses. It was under the superintendence of a noted horse-thief by the name of Turner, who had been a partner in the business with Bill Bunton. Any member of the band, whose claim to recognition was founded upon success in any thieving or bloody enterprise, could leave his jaded steed here in exchange for a fresh one. A single incident will illustrate the manner in which many of the horses were obtained. A gentleman riding a beautiful young mare, on his way from Oregon to Oro Fino, while she was drinking from the stream near by, was suddenly confronted by a man, who claimed her as his property. Several persons were witnesses to the meeting. Drawing a bill of sale of the mare from his pocket, which he had obtained five hundred miles away, he dismounted, and was about to prove his ownership, when the ruffian jumped into the saddle, and, seizing the bridle, rode rapidly away. The wayfarer called upon the by-standers to assist in the recapture of the animal, instead of which they knocked him down, stripped him of everything in his pockets, and told him to leave. He entered Lewiston utterly destitute.

No occupation in the northern mines tested the courage and honesty of men more severely than that of Express riders. Their duties, in riding from camp to camp frequently for hundreds of miles, where there was not a dwelling, carrying large amounts of treasure, made them objects of frequent attack. Tried men were selected for this business — men as well known for personal bravery as for their adroitness in the use of weapons in personal encounter. The notoriety of this class was sufficient as a general thing to protect them from attack, unless it could be made under every possible advantage. It is a remarkable fact, and speaks as little in favor of the courage of the desperadoes, as in praise of the daring nobility of these early Express riders, that few of the latter were interrupted in the discharge of their dangerous duties. They were ever upon the alert. It was the work of an instant only, when attacked, for them to draw and discharge their revolvers, with deadly effect, and follow up the smallest advantage with the no less fatal bowie-knife. One man has been known in an encounter of this kind to kill four assailants and escape unharmed.

Tracy & Co., of Lewiston, had a pony express route from that town to Salmon river, a distance of seventy-five miles. Their messenger, whom we only know by the name of Mose, was a man of great intrepidity, and perfectly familiar with all the risks of his business. In single encounter he was understood to be more than a match for any man in the mountains. Some time in the early fall of 1862 a plan was laid by Plummer and his associates to capture Mose. The place selected for the purpose was the trail crossing of White Bird creek, at a distance of sixty miles from Lewiston and eighteen from Salmon river. At this point the creek runs between very abrupt banks densely covered with cotton woods, rendering both descent and ascent tedious and difficult. The robbers, in anticipation of the arrival of Mose, as usual on a keen lope, after darkness had set in had felled a tree across the trail at a sufficient height to admit the passage of the horse, and at the same time strike the rider in the chest, and throw him suddenly from the saddle. They then intended to kill him and rob his cantinas, which it was supposed would contain several thousand dollars in gold-dust. At Chapman's ranche, near the crossing, Mose was told that several suspicious characters had been prowling in the neighborhood during the afternoon, and with that keen sense which had been educated to scent danger from afar, he at once comprehended the whole plot. Carefully descending the bank, he discovered the snare, and turning to the left avoided it, hurried through the creek, and ascending the opposite bank cast a look of derision back upon the foiled highwaymen. This fearless messenger continued in service long after this event, but his future trips were made under the escort of well-armed assistants.

Winters are nowhere more dreary than among the miners. Frost and snow bring their labors to an end, and for three or four months they either remain in their camps in a state of listless inactivity, or seek for occupation and enjoyment in the excesses of the nearest populous settlement. Hundreds of them actually squander during the season of winter all that they have obtained by the most severe toil during the rest of the year. With the terrible example constantly before him, he must be a man of resolute will who can long refrain from embracing vice in all its forms.

Gambling becomes a favorite occupation, and whiskey a common beverage. The society of abandoned women lures him on, until every moral, social, and virtuous resolution is broken down, and the experience of a few months of such a life wholly unfits him for a return to his earlier pursuits. This is the experience of nine-tenths of the young men who seek for fortune among the gold mines. Most of this class who had been occupied in placer digging during the summer and fall, at the first approach of cold forsook their mines, and crowded into Lewiston to spend the winter, bringing with them the hard earnings of their toil. Following in their wake came the professional gamblers and sports, and, mingling with the common mass, were the wretches who had reached the lowest depths of human depravity. A letter from one of the early settlers of Lewiston, written at the time, says: — "Late in 1862 a large number congregated here to pass the winter. About seventy-five per cent. of these were cut-throats, robbers, gamblers, and escaped convicts. Honest men were in a fearful minority, and dared not lisp of the arrest and punishment of criminals; the villains had their own way in everything."

I record the following as an incident which will better illustrate the condition of society than anything I can write. A gambler named Kirby borrowed of another a revolver. Secretly withdrawing the charges from it, an hour later he returned it, and requested the owner to lend him a few ounces of gold dust, which was declined. Knowing that he had the money, Kirby, enraged at the refusal, put the muzzle of a loaded revolver to his temple and blew out his brains. No arrest was attempted. The cold-blooded, mid-day murderer walked the streets of the town during the entire winter, mingled in the sports, and escaped unwhipped of justice. Three years afterward he was arrested in Oregon, and turned over to the Idaho authorities, upon the requisition of Governor Lyon, but no witnesses appearing against him he was suffered to go at large.

In a state of society where the majority of the people depend upon vicious pursuits for a livelihood, want and destitution are the natural elements. Increase of crime in all its forms follows. All through the winter of 1861–2, and until returns began to come in from the mines the following spring, Lewiston was daily and nightly a theatre where the entire calendar of crime was exhibited in epitome. Murders were frequent; robberies and thefts constant; gambling, debauchery, drunkenness, and all their attendant evils, openly flaunted in the face of day in defiance of law. Money and food were so scarce that robbery with the sporting community became an actual necessity. How to protect themselves against it sorely taxed the wit and tried the courage of the unfortunate property holders. Canvas walls offered slight resistance to determined thieves, and life was not protected by them from murderous bullets. An exemplification is furnished in the following incident: —

A German named Hiltebrant kept a saloon in a large canvas building in the centre of the town. It was the principal rendezvous for the Germans, and a popular retail establishment. Hiltebrant was known to possess a considerable amount of coin and gold dust, which the roughs resolved to appropriate. The barriers in the way involved only the possible murder of the owner and two friends who occupied a large bed in the front of the saloon. Between twelve and one o'clock in one of the coldest nights of the first week of January, the door was suddenly broken from its hinges, and a volley of balls fired in the direction of the bed. Hiltebrant was instantly killed. His two companions, after returning the fire of the ruffians, seized the treasure and escaped. One of the villains was wounded in the finger. When the firing ceased, the robbers coolly entered the building, lighted a candle, and proceeded to search for the money. Finding none they departed, uttering curses upon their ill-fortune, not, however, until several citizens appeared upon the scene, and witnessed the enormity of their crime. The murderers passed fearlessly and unconcernedly through the crowd, no effort being made to arrest them, lest a rescue might be attempted, which would prove fatal to all concerned, and possibly result in the burning of the town. The next day, however, a meeting of the citizens was held, for the avowed purpose of punishing the murderers, and devising measures to arrest the further progress of crime.

This was the first effort at self-protection made by the people. The moment was a trying one. All knew that the roughs were in the majority, and none were bold enough to recommend open resistance to their encroachments, for fear of consequences. Henry Plummer took an active part in the proceedings, depicting with fervid eloquence "the horrors of anarchy" and solemnly warning the people to "take no steps that might bring disgrace and obloquy upon their rising young city." Known as a gambler only, and suspected by few of any darker associations, his winning manner had the effect to squelch in its inception the initiatory movement, which at no distant period was to burst forth and whelm him with hundreds of his bloody associates in its avenging vortex.

The brother of the murdered Hiltebrant was in business at this time at the Oro Fino mines. Hearing of the murder, he openly avowed the intention of going immediately to Lewiston to bring the authors to justice. The banditti sent him a message that he would not live to get there, which had the effect to daunt him from his purpose, and the assassins, for the time, escaped punishment.

CHAPTER VI.

NORTHERN MINES.

Prospecting for Gold — Picture of a Veteran Prospector — Patrick Ford — Design of Roughs to kill him — He outwits them — Robbers leave Lewiston for Oro Fino — Robberies by the way — Entrance into Oro Fino — Assault on Ford's Saloon — Fight — Ridgely wounded — Ford killed.

Prospecting (as it is called) for gold placers and quartz veins has grown into a profession. No man can engage in it successfully unless he understands it. There are certain indications in the face of the country, the character of the rocks, the presentation of the strata, the form of the gulch, the gravel in streams or on the bars, the cement formation below it, or the shape of the mountains, which are known only to experienced prospectors, that determine generally the presence of the precious metals. Guided by these unmistakable signs, the veteran gold searcher is sustained in his solitary explorations by the consciousness of possessing knowledge which must sooner or later lead to success. Impressed with the idea that as many rich gulches and productive veins have been found, so others remain to be discovered, — and that as those already developed have made their owners rich, so some fortunate discovery may do the same for him, he mounts his pony, and with pick, shovel, and pan, a magnifying glass, a few pounds of bacon, flour and coffee, his trusty rifle and revolver at hand, and his roll of blankets and not unfrequently a quart flask of whiskey, he plunges into the unexplored recesses of the mountains, and for weeks and months is lost to all the world of humanity beside himself. Alone, but encouraged by that hope which outlives every disappointment, he wanders hundreds of miles into the unvisited wilderness, the hero of countless adventures and the explorer of the world's great solitudes.

Men of this class are numerous in all gold-mining regions. Their very occupation makes them maniacs. They lose all relish for society, and think of nothing but the success they are one day to meet with in the pursuit of gold. Frequent as their discoveries often are, and promising as many of them proved to be, the one they are in search of lies still further onward. Abandoning to those who follow them discoveries which would assure them all the wealth they need, they lead on and on into the mountain labyrinth, pioneering the path of empire, to die at last alone, unfriended and destitute, beyond its utmost boundaries. It is to such men that we owe the discovery of all the gold regions which have contributed to our wealth since the days of Marshall.

Gold had been discovered west of the mountains in several portions of Washington Territory previous to this time. As early as the year 1852 H. M. Chase found it on a creek which flowed into the Grand Ronde river. He exhibited it at Portland, and such was the excitement it occasioned that several parties of discovery were organized, and plunged into the mountain recesses of that portion of Washington which afterwards became Idaho. Among others was one Pierce, who became infatuated with the idea that the river sands of this unexplored region were filled with diamonds. He searched for them very thoroughly, but the traditions of the time fail to inform me that he found anything more valuable than gold. An unimportant camp of the early miners, which received his name, has served to transmit his memory and mania to the present period. These early explorations, leading deeper and deeper into the mountain wilderness, finally resulted in the discovery of the Florence and Oro Fino mines.

Thousands of people, lured by their discoveries, had nearly worked out the placers of Oro Fino during the summer of 1861. The Pacific world, alive to the importance of a region which promised such great additions to its wealth, kept up a stream of emigration to the placers, which exhausted all the sources of supply more rapidly than they could be filled. The world was there in miniature. Meantime the indomitable prospector kept in the van. Crossing the Salmon River range, he soon unveiled the riches of those placers which afterwards became known as Florence and Elk City. They were immediately occupied by thousands, and other thousands of the far East, thrilled with the story of their richness, were on their way to the new El Dorado. An hegira similar to that of 1849 again took place across the plains. Lewiston was no longer the base of operations. Among the earliest of those to abandon it for a point more favorable to the prosecution of their enterprise, were the banditti which had so long held its inhabitants in fear. Supplied with horses from the shebang on the Walla Walla road, they departed from Lewiston in small parties, intending to recommence operations at a place afterwards to be selected, in the mountains of the interior.

The daring, adventurous, and courageous elements of character are necessarily developed and brought into frequent action in a mining country; and whenever these are found in combination with high moral principle, they are held in continual fear by men of criminal life. One bold, honest man will demoralize the guilty designs of a host of rascals. Nothing was so much dreaded by Plummer's murderous gang as the possible organization of a Vigilance Committee; and any man who favored it was marked for early destruction. Such a man was Patrick Ford, the keeper of a saloon in Lewiston. Ford was an active man in his own business, — eager in the pursuit of gain, but entirely upright in his dealings, and the open and avowed enemy of the roughs. He, more than any other member of the community, had urged the people of Lewiston to unite for their protection, and hang every suspected individual in the place; and he taunted them with cowardice when they disbanded without punishing the known murderers of Hiltebrant. As fearless as he was uncompromising, he denounced the ruffians in person, and warned them that a time would come ere long when they would meet, at the hands of an outraged people, their deserts. He did not conceal from them his intention of following in the track of the prosperous miner, lead where it might,— which purpose they resolved to prevent. His death they regarded as necessary to their future prosperity. Having ascertained that he intended to leave Lewiston with a half-dozen dancing girls for the saloon he had established at Oro Fino, they laid a plan to insult him and involve him in a quarrel on his arrival at their shebang, and kill him. Ford was admonished of the design, which he foiled by avoiding the shebang. Being assured of his safe passage to Oro Fino, the robbers, led by Plummer, Ridgely, and Reeves, mounted their horses and started for the interior. Of the particular events of the early part of the trip, farther than that it was marked by the frequent robbery of travellers, I am unable to speak. When within seven or eight miles of Oro Fino, the robbers observed two Frenchmen, some distance apart, approaching them on foot. The one in advance was ordered to stop and throw up his hands, as in that position he was powerless and could not offer any resistance.

After a careful search of his person they found nothing of value, and bade him move on as rapidly as possible, telling him that it was "a rough country to be in without money" and that he "had better get out of it as soon as possible." With the other, whom they subjected to a like process, they were more fortunate, and, despite his solemn denial, found in his pocket a purse containing a thousand dollars in dust, which they appropriated, dismissing him with the remark that if he "had done the square thing and not lied they would have given him enough to take him to the Columbia, — but as it was, he might be thankful to get off with a whole carcass." Some idea may be formed of the daring and recklessness of this robbery when it is understood to have occurred at midday, near a town containing a population of several thousands, and on a thoroughfare thronged with travellers.

Uttering a shout of exultation, the robbers dashed into the town of Oro Fino with the impetuosity of a cavalry charge. Reining up in front of Ford's saloon, which they entered, they called loudly upon the bar-keeper for liquor. Ford was absent. When they had drunk, they commenced demolishing the contents of the saloon. Decanters, tumblers, chairs, and tables were broken and scattered over the apartment. One of their number, more fiendish than the others, seized a lap-dog from one of the females and cut off his tail. At this juncture Ford himself came upon the scene. Boldly confronting the rioters, pistol in hand, he ordered them instantly to leave his premises. He charged them with the robbery of the Frenchmen, and denounced them as thieves, robbers, and murderers. They saw and feared his determination, and obeyed his commands with alacrity. He followed them into the street, and threatened them with punishment if they remained in town. They were about to act upon this hint, when Ford, fully armed, came to them a second time, and demanded the cause of their delay. He was answered with a bullet, inflicting a dangerous wound. The fire was returned, and the fight became general, — three against one. The robbers were protected by their horses, while their antagonist was openly exposed to their fire. Ford emptied the charges from one six-shooter, made five shots with the other, and was in the act of aiming for the last, when he fell dead, riddled with the balls of his adversaries. Ridgely was shot through the leg twice, and Plummer's horse disabled.

Such was the melancholy fate of Patrick Ford,

— a man long to be remembered as the friend of law and order, — the first, indeed, in the northern mines who dared to urge the extermination of the robbers, as the only remedy for their depredations. He literally sealed his principles with his life's blood.

Ridgely's wounds disabled him for service. He was taken by his companions to a ranche near the town, and as well cared for as circumstances would admit. Leaving him there, the other members of the band, fearful of the friends of Ford, seldom ventured beyond the limits of their camp.

CHAPTER VII.

CHARLEY HARPER.

Charley Harper assumes to be "Chief" — Cherokee Bob — Theatre in the Mines — Deputy Sheriff Porter's Assault upon the Soldiers assisted by Cherokee Bob — Two Soldiers killed, others wounded — Soldiers march into Town in pursuit of Cherokee Bob — He escapes by stealing a Horse and fleeing in the Night to Lewiston — Ridgely shoots Gilchrist and escapes to Oregon.

A new candidate for bloody laurels now appears in the person of Charley Harper. He arrived in Walla Walla in the fall of 1861. A young man of twenty-five, of medium size, of erect carriage, clear, florid complexion, and profuse auburn hair, he could, but for the leer in his small inexpressive gray eye, have passed in any society for a gentleman. His previous life is a sealed book; — but the readiness with which he engaged in crime showed that he was not without experience. He told his landlord that he had no money, but that partners were coming who would relieve his necessities. The second night after his arrival, several hundred dollars in gold coin were stolen from a lodger who occupied the room adjoining his. He exhibited eagles by the handful, while intoxicated the next day, which he said were borrowed from an acquaintance. No one doubted that he had stolen them: — but where officers were believed to wink at crime, prosecution was useless. Charley was not even arrested upon suspicion. The money he had obtained introduced him to the society of the roughs, with whom he became so popular that he aspired to be their leader. This honor was disputed by Ridgely, whom we left wounded in the last chapter, and by "Cherokee Bob," both of whom claimed precedence from longer residence and greater familiarity with the opportunities for distinction.

Circumstances soon occurred which enabled Charley, without disputation, to assume the rôle of chief of the Walla Walla desperadoes. Cherokee Bob, heretofore mentioned as an associate of Plummer at Lewiston, was an uneducated Southerner. His mother was a half-blood Cherokee, — hence his name. With a hatred of the North and the Northern soldiery born of prejudice and ignorance, and a constitutional faith in the superior prowess of the Southern people, and with mercurial passions inflamed by the contest that was still raging, this ruffian was nearly a maniac in his adherence to the cause of Secession. He could talk or think of little else than the great inferiority of the Northern to the Southern soldiers, and was continually boasting of his own superior physical power. He would often taunt the soldiers of the garrison near Walla Walla. In ingenuity of vaunting expression, he far excelled Captain Bobadil himself; — but like that hero of dramatic fiction he was destined to experience a reverse more humiliating, if possible, than that of his great prototype. With shotgun in hand and revolver in his belt, it was his frequent boast that he could take a negro along with him, carrying two baskets loaded with pistols, and put to flight the bravest regiment of the Federal army.

No person who has witnessed a theatrical performance in a mining camp can forget the general din and noise with which the audience fill up the intervals between the acts. Whistling, singing, hooting, yelling, and a general shuffling of feet and moving about are so invariable as to form in fact, a feature of the performance. So long as they are unaccompanied by quarrelsome demonstrations, and do not become too boisterous, efforts are seldom made to suppress them. The boys are permitted to have a good time in their own way, and the lookers-on, accustomed to the scene, are often compensated for any annoyance that may be occasioned, by strokes of border humor more enjoyable than the play itself.

Cherokee Bob, eager for an opportunity when he could wreak his demoniac wrath upon some of the Federal soldiers, with the aid and complicity of Deputy Sheriff Porter, who like himself was a Secessionist, contrived the following plan as favorable to his purpose: it was agreed between them, that on a certain evening Bob and his friends should attend the theatre, fully armed. Porter, under pretext of quelling disturbances between the acts, should by his insulting language and manner provoke an affray with the soldiers present, in the progress of which he would command Bob and those with him to assist, and thus under the seeming protection of law, save them from the consequences of any acts of vengeance they desired to commit. On the evening appointed, six or seven soldiers were seated side by side in the pit, a single one occupying a seat in the gallery behind them. Porter was near them, and Bob and his associates in a position convenient to him. When the curtain fell upon the first act, the usual noises commenced, the soldiers joining in making them. Porter sprang from his seat, and striding in front of them, vociferated,

"Dry up there, you brass-mounted hirelings, or I'll snatch you bald-headed."

This insulting language produced the desired effect. Smarting under the implied reproach it conveyed, one of the soldiers sharply inquired,

"Why do you single us out, when there are others more boisterous?"

Porter waited for no further provocation, but drawing and cocking his revolver with one hand, and seizing the soldier nearest to him with the other, he dragged him ignominiously into the circle where he was standing, ordering the deputy city marshal and Bob and his friends to assist in arresting him. The soldiers offered resistance. An immediate *melée* was the consequence. The women and children in the audience screamed in affright. The other soldiers present rushed with drawn pistols to the rescue of their comrade. The one in the gallery sprang upon one of the officers with the ferocity of a wild beast. Cherokee Bob with a pistol in one hand and a bowie-knife in the other, his voice wildly ringing above all other sounds, was in his true element. More than a dozen pistol shots followed in quick succession. Two of the soldiers were killed, and others fearfully mangled. Porter and his deputy assistant were each shot through a leg, the latter crippled for life. The work of blood was progressing, and but for the interference of an officer of the garrison, would have ended only with the death of the assassins.

The next day the soldiers appealed to their commanding officer for redress. He ordered those of them engaged in the affray to be placed under arrest, and dismissed the subject from his thoughts. Indignant at this unexpected treatment, about fifty of the soldiers armed themselves, and marched into town, with the determination to capture and hang Cherokee Bob, whom they knew to be the chief mover of the murderous assault. Disavowing all riotous intentions they informed the citizens of their design and commenced a thorough search for the murderer. He, meanwhile, fearful of their revenge, eluded them by leaving the town before the dawn of morning on a stolen horse for Lewiston.

The year before his appearance in Walla Walla Ridgely was living in Sacramento. During his sojourn there he acquired notoriety for his thievish and villainous propensities. One of the police corps, detecting him in the commission of a larceny, arrested him. He was convicted, and sentenced to imprisonment in the county jail. He vowed revenge against Gilchrist the policeman, but on his release fled to the gold mines. Soon after his arrival at Walla Walla he fell in with his old enemy, and secretly renewed the determination to take his life. Calling upon a friend to accompany him, he boldly entered a saloon where he knew Gilchrist to be and fired several shots at him. Gilchrist fell at the first fire. Ridgely, believing he had killed him, left the saloon, saying as he went, "I have thrown a load off my mind, and now feel easy." Gilchrist was badly wounded, but recovered. Ridgely, escaping arrest on the night of the assault, crossed the river into Oregon the next day, beyond the jurisdiction of the authorities of Walla Walla, which was in Washington Territory. From thence he went to Lewiston and joined Plummer.

Cherokee Bob and Ridgely being out of the way, Charley Harper, as next in rank on the scale of villainous preferment, became the Walla Walla chief.

CHAPTER VIII.

CHEROKEE BOB.

GOLD EXCITEMENT — ROBBERS GO TO FLORENCE — — ROBBERIES BY THE WAY — CHEROKEE BOB AND BILL MAYFIELD — CYNTHIA — JEALOUSY — A STRANGE HISTORY — BOB "SETTLED IN BUSINESS."

INTELLIGENCE of the discovery of extensive placers on the head waters of Salmon river, excelling in richness any former locations, had been circulated through all the border towns during the winter. The excitement consequent thereon was intense. Such was the impatience of the people to effect an early arrival there that many left Walla Walla and Lewiston in midwinter, and on their way thither perished in the snows which engorged the mountain passes. Others, more cautious, awaited the coming of warm weather, and made the journey, — tedious, difficult, and dangerous at best, — with comparative safety. Among the latter number were Charley Harper and his band of brigands. Mounted on strong, fleet horses which they had acquired during the winter, the criminal cavalcade with its chief at the head dashed up the river valley, insulting, threatening, or robbing every one so unfortunate as to fall in their way. Of the number prominent in the riotous column were Peoples, English, Scott, and Brockie —men whose deeds of villainy have blackened the criminal records of nearly all the larger cities of the Pacific slope. With none of the magnanimity which characterized Joaquin Murieta and the earlier brigands of California, and with all their recklessness of crime and murder, a meaner, baser, more contemptible band of ruffians perhaps never before disgraced the annals of the race. No crime was too atrocious for them to commit, no act of shame or wantonness was uncongenial to their grovelling natures. They were as totally depraved as a long and unchecked career of every variety of criminal indulgence could make them. Afraid of nothing but the law, and not afraid of that in these new and unorganized communities, they were little else than devils incarnate. Insensible to all appeals for mercy, and ever acting upon the cautious maxim that "dead men tell no tales," the only chance for escape from death for those whom they assaulted was in their utter inability to do them injury. Human life regarded as an obstacle to their designs, was of no more importance than the blowing up of a safe or any other act which stood between them and their prey. Of course it was impossible that such a band of desperadoes should pass over the long and desolate route from Walla Walla to Florence without adventure.

On the second or third day after leaving Walla Walla, when nearing Florence, they met a company consisting of five men and a boy of sixteen, who were on their way to a neighboring camp. The brigands surrounded them, and with cocked pistols well aimed, gave the usual order, "throw up your hands." This order being obeyed, two of them dismounted to search the persons of their victims for treasure, the others meanwhile covering them with their revolvers. Five purses, containing amounts varying from fifty to five hundred dollars, were taken from them. The boy was overlooked, and had seated himself on a granite boulder by the roadside.

Scott, as he tells the story himself, approached him more from curiosity than expectation, when the following conversation ensued: —

"Come," said Scott, addressing him, "draw your weasel now."

"How do you know I've got any, stranger?" queried the youth.

"No fooling, I say. Hand out your buckskin."

"You wouldn't rob a poor little devil like me, would you?"

"Don't keep me waiting longer, or I'll cut your ears off," — and Scott drew his bowie as if to carry the threat into execution.

"Well, I only get half-wages, you know. Is your heart all gizzard?"

"Get off from that stone and shell out, or I'll blow your brains out in a minute," said Scott.

The boy sprang up hurriedly, and with affected reluctance thrust his hand into his pocket.

"Well, stra-an-nger," he inquired with a peculiar drawl and quizzical expression of the eyes, "what do you take Salmon river dust at, anyhow?"

With this he drew forth an empty purse, and handing it to Scott, said: —

"If you think I've got any more, search me."

Pleased with the pluck and humor of the lad, one of the band threw him a five-dollar piece, and they galloped furiously on towards Florence. Thundering into the town, they drew up before the first saloon, fired their pistols, and urged their horses into the establishment. Without dismounting they ordered liquor for the crowd. All the by-standers partook with them. Harper ostentatiously threw one of the purses he had just seized upon the counter, telling the barkeeper to weigh out the amount of the bill, and after a few moments they left the saloon, "to see," as one of them expressed himself, "whether the town was big enough to hold them."

This irruption into Florence occurred while that city was comparatively in embryo. The great floods of immigration from the east and west had not arrived. Some months must elapse before the expectations of the robbers could be realized. Meantime they distributed themselves among the saloons and bagnios, and by means of gambling and frequent robberies, contrived to hold the community in fear and pick up a subsistence until the great crowd came.

Leaving them for a season, we will return to Cherokee Bob, whom we left in his ignominious flight from Walla Walla to Lewiston, on a stolen horse. That worthy had established himself in a saloon at Lewiston, and while there, renewed an acquaintance with an old pal known as Bill Mayfield.

Mayfield was a fugitive from justice from Carson City, Nevada, where in the winter of 1861-62 he renewed an acquaintance with Henry Plummer, whom he had known before that time in California. The governor of California had issued a requisition for the surrender of Plummer, and a warrant for his arrest was in the hands of John Blackburn, the sheriff at Carson City. Though efficient as an officer, Blackburn, while in liquor, was overbearing and boastful of his prowess. His reputation was bad among the leading citizens of the town. Foiled in his search for Plummer, who, he believed, was in the territory, and knowing of Mayfield's intimacy with him, he accused the latter with concealing him. Mayfield denied the charge, and to avoid a quarrel with Blackburn, who was intoxicated, immediately left the saloon where the interview occurred, but as a measure of precaution armed himself with a bowie-knife. Blackburn, rendered desperate by liquor, soon followed in pursuit of him, and at a later hour of the same day found him in another saloon. As he entered the front, Mayfield tried to leave by the rear door. Failing in this, he drew his knife, and concealed it in his sleeve. Approaching Mayfield in a bullying manner Blackburn said to him: —

"I will arrest Plummer, and no one can prevent it. I can arrest anybody. I can arrest you if I wish to."

"You can arrest me," replied Mayfield, "if you have a warrant for my arrest, but you can't without."

"I tell you," rejoined Blackburn tauntingly, "that I *can* arrest you, or any one else," and added with an oath, "I will arrest you anyhow," accompanying this threat with a grasp for his pistol. Mayfield, with flash-like quickness, slipped his knife from its place of concealment, and gave him an anticipatory stab in the breast. Blackburn then tried to close with him, and being much the stronger man would have killed him had not Mayfield jumped aside and plied his knife vigorously until Blackburn fell. He died almost instantly. Mayfield surrendered himself for trial, was convicted of murder, and sentenced to be hanged.

While awaiting execution in the penitentiary, two miles distant from Carson, a plan for undermining the prison was successful, and he escaped. The friends who effected this were among the best citizens of Carson. They deemed the sentence unjust, and as soon as he was out of confinement, mounted him on a good horse, provided him with arms, and bade him leave the State as rapidly as possible. When his escape was discovered the next morning the jailer started in pursuit. He struck the track of the fugitive, and by means of relays, gained rapidly upon him. Mayfield's friends meantime were not idle. They managed to be apprised of his progress, followed close upon his pursuers, and by a short cut at a favorable point, overtook him, and, doubling back, concealed him at a ranche in Pea Vine Valley, only forty miles from Carson City. There he remained six weeks, — many of the leading citizens of Carson meantime watching for an opportunity to aid his escape from the State. A careless exposure of his person led to his recognition and the discovery of his retreat. His friends were the first to learn of it, and before the officers could arrive at the ranche, Mayfield was on his way to Huffaker's ranche on the Truckee river, which was nearer Carson by half the distance than the ranche he had left. While the officers were scouring the country in pursuit of him, he remained there until spring, sharing a box stall with a favorite race-horse. When spring was far enough advanced to afford pasturage and comfortable travel, he was furnished by his friends with a good "outfit," and made the journey unmolested to Lewiston, where he joined his old friends Plummer and Cherokee Bob.

Here he trumped up an intimacy with a woman calling herself "Cynthia," at that time stewardess of a hotel in Lewiston, and the fallen wife of a very worthy man.

In June, Cherokee Bob, accompanied by Mayfield and Cynthia, left Lewiston for Florence. Soon after their arrival the jealousy of Mayfield was aroused by the particular attentions of Bob to his mistress. On his part Bob made no concealment of his attachment for the woman, and when charged with harboring an intention of appropriating her affections, boldly acknowledged the soft impeachment. Cynthia possessed many charms of person, and considerable intelligence. She had, moreover, an eye to the main chance, and was ready to bestow her favors where they would command the most money. Bob was richer than Mayfield, and this fact won for him many encouraging smiles from the fair object of his pursuit. Mayfield's jealousy flamed into anger, and he resolved to bring matters to a crisis, which should either secure his undisturbed possession of the woman, or transfer her to the sole care of his rival. He had confidence enough in Cynthia to believe that when required to choose between him and Cherokee Bob, her good taste, if nothing else, would give him the preference. He had not calculated on the strength of her cupidity. Confronting Bob, in her presence, he said, as he laid his hand on the butt of his revolver: —

"Bob, you know me."

"Yes," replied Bob with a similar gesture, "and Bill, you know me."

"Well now, Bob, the question is whether we shall make fools of ourselves or not."

"Just as you say, Bill. I'm al'ys ready for anything that turns up."

"Bob, if that woman loves you more than me," said Mayfield, "take her. I don't want her. But if she thinks the most of me, no person ought to come between us. I call that on the square."

"Well, I do think considerable of Cynthia, and you are not married to her, you know," replied Bob.

"That makes no difference. If she loves me, and wishes to live with me, no one shall interfere to prevent it."

"Well, what do you propose to do about it?" asked Bob, after a brief pause.

"Let the woman decide for herself," replied Mayfield. "What say you, Cynthia? Is it Bob or me?"

Thus appealed to, greatly to the surprise of Mayfield, Cynthia replied: —

"Well, William, Robert is settled in business now, and don't you think he is better able to take care of me than you are?"

This reply convinced Mayfield that his influence over the woman was lost. The quarrel terminated in a graceful surrender to Bob of all his claim upon her.

"You fall heir," said he to his successor, "to all the traps and things there are around here."

Cherokee Bob insisted upon paying for them; and Cynthia, true to the course of life she was pursuing, tried to soften the pangs of separation from her old lover by reiterating the question if he did not "think it the best thing that could be done under the circumstances."

Cherokee Bob forced a generous purse upon Mayfield, who left him with the parting injunction to take good care of the girl.

The woman shed some tears and, as we shall see at a later stage of this history, showed by her return to Mayfield that she entertained a real affection; and when, a year later, she heard of his violent death, was heard to say that she would kill his murderer whenever opportunity afforded.

An explanation of the circumstances under which Bob became "settled in business" is not the least interesting part of this narrative. The senior proprietor of the leading saloon in Oro Fino died a few days before Bob's arrival. He was indebted to Bob for borrowed money. Calling upon the surviving partner soon after his arrival, Bob informed him of the indebtedness, and declared his intention of appropriating the saloon and its contents in payment.

"How much," inquired the man, "did you lend my partner? I'll settle with you, and pay liberal interest."

"That's not the idee," rejoined Bob. "Do you think me fool enough to lend a fellow five hundred dollars, and then after it increases to five thousand, square the account with a return of what I lent and a little more? That's not my way of doing biz. How much stock have you got here on hand?"

Bob carefully committed to writing the invoice verbally furnished.

"Now," said he, putting the memorandum in his pocket, "I'll hold you responsible for all these traps — the whole outfit. You've got to close up and get out of this without any delay. I'll give you twenty-four hours to do it in. You must then deliver everything safe into my hands."

The unfortunate saloon-keeper knew that the law as administered in that mountain town would afford him no redress. He also knew that to refuse compliance with the demand of Cherokee Bob, however unjust, would precipitate a quarrel which would probably cost him his life. So when Bob, accompanied by two or three confederates, came the next morning to the saloon to take possession he was prepared to submit to the imposition without resistance. Walking within the bar, Cherokee Bob emptied the money drawer and gave the contents to his victim. He then invited his friends to drink to the success of the new "outfit," and finding himself in undisturbed occupancy, increased the amount of his gift to the man he had expelled to several hundred dollars. This was the manner in which he became, as Cynthia said, "settled in business."

CHAPTER IX.

FLORENCE.

FLORENCE — RULE OF THE ROUGHS — MURDER OF A GERMAN MINER — ONE ROUGH SHOOTS ANOTHER — BROCKIE KILLED BY CHAPMAN — HICKEY KILLED BY "SNAPPING ANDY" — MATT BLEDSOE — DIFFICULTIES OF MINING — EXPOSURES — PACK TRAINS — ROBBERY OF McCLINCHEY'S TRAIN — ROBBERY OF BERRY BROTHERS, BY SCOTT, PEOPLES, AND ENGLISH.

FLORENCE was now the established headquarters of the robbers. Its isolated location, its distance from the seat of government, its mountain surroundings, and, more than all, its utter destitution of power to enforce law and order, gave it peculiar fitness as a base to the criminal and bloody operations of the desperate gang which infested it. At all hours of the day and night some of them were to be seen at the two saloons kept by Cherokee Bob and Cyrus Skinner. When one company disappeared another took its place, and at no time were there less than twenty or thirty of these desperadoes at one or both of their haunts, plotting and contriving deeds of plunder and robbery which involved the hard earnings, possibly the lives, of many of the fortunate miners of the vicinity. The crowd from both east and west had arrived. The town was full of gold-hunters. Expectation lighted up the countenance of every new comer. Few had yet realized the utter despair of failure in a mining camp. In the presence of vice in all its forms, men who were staid and exemplary at home laid aside their morality like a useless garment and yielded to the seductive influences spread for their ruin. The gambling shops and hurdy-gurdy saloons — beheld for the first time by many of these fortune-seekers — lured them on step by step, until many of them abandoned all thought of the object they had in pursuit for lives of shameful and criminal indulgence.

The condition of society thus produced was fatal to all attempts at organization, either for protection or good order. Wholly unrestrained by fear or conscience, the robbers carried on their operations in the full blaze of mid-day. Affrays were of daily occurrence, and robberies took place in the public streets. Harper, the acknowledged chief, stained with the darkest crimes, walked the streets with the boldness and confidence of one who gloried in his iniquity. Peaceable, honest, well-meaning citizens, completely overawed, were fortunate to escape insult or abuse, as they passed to and fro in pursuit of their occupations. Woe to the unfortunate miner who entered the town if it was known or believed that there was any treasure on his person! If not robbed on the spot, or lured into a hurdy-gurdy saloon, or cheated at a gambling table, he was waylaid by disguised ruffians on his return to his camp, and by threats and violence, or when these failed, by death itself, relieved of his hard-bought earnings. For one of these sufferers to recognize and expose any of his assailants was simply to insure his death at his hands the first convenient opportunity.

One of these side exploits was marked by features of peculiar atrocity. An aged, eccentric German miner, who lived alone in a little cabin three miles from town, was supposed to have a considerable amount of gold dust concealed in his dwelling. One morning, early in August, a neighbor discovered that the house had been violently entered. The door was broken and scattered in pieces. Entering, he beheld the mangled corpse of the old man lying amid a general wreck of bedding, boxes, and trunks.

The remains of a recent fire in a corner bore evidence of the failure of the design of the robbers to conceal their crime by a general conflagration. The miners were exasperated at an act of such wanton and unprovoked barbarity. A coroner's jury was summoned and such an inquest held as men in fear of their lives dared to venture. The verdict, as might have been anticipated, was "murdered by some person or persons unknown." Here the affair has rested ever since.

Acts of violence and bloodshed were not unfrequent among the robbers themselves. Soon after the murder of the German, a company of them, who had been gambling all night at one of the saloons, broke up in a quarrel at sunrise. Before they reached the street, a revolver in the hands of Brockie was discharged, killing instantly one of the departing brawlers. The murderer surrendered himself to a justice of the peace, and escaped upon the singular plea that the shot was accidental and did not hit the person he intended to kill. One of the jury, in a letter to a friend, wrote: "The verdict gave universal satisfaction, the feeling over the homicide among good citizens being that Brockie had done a good thing. If he had killed two of the ruffians instead of one, and then hung himself, good men would have been better pleased."

Hickey, the intended victim, was one of the worst men in the band. The year following this occurrence, in a fit of anger induced by intoxication, at a store in Placerville he made a desperate assault upon a peaceable, inoffensive individual who was known by the name of "Snapping Andy." Hurriedly snatching a pickhandle from a barrel, Andy, by two or three well-directed blows, brought his career of crime and infamy to a bloody close.

For some reason, probably to place him beyond the reach of the friends of the murdered robber, Brockie was assigned to a new position. Ostensibly to establish a ferry at the mouth of Whitebird creek, a few miles from town, but really for the purpose of furnishing a convenient rendezvous for his companions, he took up his abode there. It was on the line of travel between Florence and a gold discovery reputed to have been made on a tributary of the Boise river.

About the middle of September, Arthur Chapman, son of the surveyor-general of Oregon, while waiting for ferriage, was brutally assaulted by Brockie, who rushed towards him with pistol and knife, swearing that he would "shoot him as full of holes as a sieve, and then cut him into sausage meat." With an axe which he seized upon the instant, Chapman clove his skull to the chin. Brockie fell dead in his tracks, another witness to the fulfilment of that terrible denunciation, "whoso sheddeth man's blood, by man shall his blood be shed." Chapman was honorably acquitted of crime.

It will not be deemed out of place to record here the desperate fortune of one Matt Bledsoe, who became notorious as an independent freebooter, and killed several persons in the valley of the Upper Sacramento and Upper Willamette. His bloody character preceded his arrival at Florence in the fall of 1861. He acknowledged no allegiance to any band, and avowed as a ruling principle that he would "as soon kill a man as eat his breakfast." While engaged in a game of cards with a miner at a ranche on Whitebird creek in October, 1861, he provoked an altercation, but the miner being armed, he did not, as was usual with him, follow it up by an attack. The next morning, while the miner was going to the creek, he shot and killed him. Mounting his horse he rode rapidly to Walla Walla, surrendered to the authorities, asked for a trial, and on his own statement that he "had killed a man in self-defence," was acquitted.

A leap forward in his history to twelve o'clock of a cold winter night of 1865 finds this same villain in company with another, each with a courtesan beside him, seated at a table in an oyster saloon in Portland. Some angry words between the women soon involved the men in a quarrel, which Bledsoe brought to a speedy termination by a fatal blow upon the head of his antagonist. He was immediately arrested, tried, convicted of manslaughter, and sentenced to the penitentiary for a long term of years. During the following fall he escaped, was rearrested, and after trial, returned to prison to serve out a prolonged sentence.

Perhaps in the early history of no part of our country were greater difficulties overcome in moving from one place to another than in the mining districts of Oregon and Idaho. Essentially a mountain region, and in all portions of it away from the narrow valleys formed by the streams filled with the remains of extensive volcanic action, its surface, besides being broken into deep cañons, lofty ridges, inaccessible precipices, impassable streams, and impenetrable lava beds, was also covered everywhere with the sharp points and fissured hummocks which were cast out during a long and active period of primeval eruption. There were no natural roads in any direction. The trail of the Indian was full of obstacles, often indirect and generally impracticable. To travel with vehicles of any sort was absolutely impossible. The pack animal was the only available resource for transportation. The miner would bind all his earthly gear on the back of a mule or a burro and grapple with obstructions as they appeared, cutting his way through forests almost interminable, and exposing himself to dangers as trying to his fortitude as to his ingenuity. The merchant who wished to transport goods, the saloon-keeper who had liquors and billiard tables, the hotel-keeper whose furniture was necessary, all had to employ pack animals as the only means of transportation from the towns on the Columbia to the mining camps of the interior. The owner of a train of pack animals was always certain of profitable employment. His life was precarious, his subsistence poor, his responsibilities enormous. He threaded the most dangerous passes, and incurred the most fearful risks, — for all which he received adequate compensation.

The pack-train was always a lively feature in the gigantic mountain scenery of Oregon and

Idaho. A train of fifty or one hundred animals, about equally composed of mules and burros, each heavily laden, the experienced animal in the lead picking the way for those in the rear, amid the rocks, escarpments, and precipices of a lofty mountain side, was a spectacle of thrilling interest. At times, the least mis-step would have precipitated some unfortunate animal thousands of feet down the steep declivity, dashing him to pieces on the rocks below. Fortunately the cautious and sure tread of these faithful creatures rendered such an accident of very rare occurrence, though to the person who beheld them in motion for the first time the feeling was ever present that they could not escape it. The arrival of one of these large trains in a mining camp produced greater excitement among the inhabitants than any other event, and the calculations upon their departure from the Columbia river and their appearance in the interior towns were made and anticipated with nearly as much certainty as if they were governed by a published time-table.

The confidence of the owner of a train of pack-animals in their sagacity and sure-footedness relieved him of all fear of accident by travel, but he could never feel as well assured against the attacks of robbers. All the men in charge of a train were well armed and in momentary expectation of a surprise. Frequently on the return trips they were entrusted by merchants with large amounts of gold dust. Opportunities of this character seldom escaped the vigilance of the robbers, — and any defect in the police of the departing train insured an attack upon it in some of the difficult passes on its route to the river.

The packer of a train belonging to Neil McClinchey, a well-known mercantile operator of the Upper Columbia, in October, 1862, when four days out from Florence, on his return to Walla Walla, was stopped by a masked party of which Harper was supposed to be the leader, and for want of sufficient force robbed of fourteen pounds of gold. As he gave the treasure into the hands of the assailants, the villain who took it said in a consoling tone: "That's sensible. If every man was as reasonable as you things would go along smoother."

Shortly after this robbery, Joseph and John Berry were returning to the river with their train. They had gone but forty miles from Florence, when they were confronted by three men in masks, who, with levelled pistols, commanded them to throw up their hands. Seeing that resistance was useless they obeyed, and were relieved of eleven hundred dollars. The packers recognized the voices of David English and William Peoples, — and the third one was afterwards ascertained to be Nelson Scott. The victims returned with all possible expedition to Lewiston, where the report of their loss excited the most intense indignation.

CHAPTER X.

FIRST VIGILANCE COMMITTEE.

PURSUIT, ARREST, AND EXECUTION OF SCOTT, PEOPLES, AND ENGLISH — ARREST, TRIAL AND BANISHMENT OF "HAPPY HARRY" — ESCAPE OF "CLUB FOOT GEORGE" — CHARLEY HARPER FLEES TO COLVILLE.

As soon as the Berrys were assured of the identity of the villains who had robbed them they appealed to the people to assist in their capture. The robbers had stripped them of all their hard earnings, and they had the sympathy of every honest man in the community. Nothing more was needed to kindle into a flame of popular excitement the long-pent-up fires of smothered indignation. Public sentiment was clamorous for the capture and punishment of the robbers. It gathered strength day by day, until it became the all-absorbing topic everywhere. Men assembled on the street corners, in the stores, in the saloons, and at the outside mining camps to compare views and consult upon measures of relief. Meantime, several parties, whose faith in immediate action was stronger than in consultation, set out in pursuit of the robbers.

From the fact that they had passed south of Lewiston it was believed they had gone down the Columbia. Distributing themselves along the different roads and trails in that direction, the pursuers made diligent search for them in every nook and corner which could afford them a hiding-place. Their diligence was successful. The robbers had separated, but were arrested in detail, — Peoples at Walla Walla, Scott on Dry creek, near there, and English at Wallula, forty miles distant on the Columbia.

The only surprise they manifested upon being arrested was at the temerity of their captors. In a community which had so long held them in fear any legal interference with their business was deemed by them an outrage. They did not pause to inquire whether their reign was near its termination, nor think that perhaps the people had decided as between longer submission to their villainies and condign punishment for their actual crimes. If they had, their efforts to escape would have been immediate. As it was, they rested easy, and reflected savagely upon the revenge in store for their captors after their friends had effected their rescue.

They were taken in irons to Walla Walla. Judge Smith ordered their removal to Florence for trial. Such was the indignation of the citizens of Lewiston that on their arrival there it was determined they should be tried by the people. All confidence in the law and the courts was lost. Accordingly a committee was appointed to investigate the circumstances of the robbery and declare the punishment. The prisoners were taken in charge by the committee, and confined in an unfinished building on the bank of the Clearwater, which was strongly guarded. To make their work thorough and terrify others of the band who were known to be prowling about the saloons of Lewiston, a number of persons were appointed, with instructions to effect their immediate arrest. In anticipation of this course all suspected persons except one escaped by flight. This one, known by the name of "Happy Harry," was a simple fellow, who denied all association with the band, confessed to a few petty offences, and was discharged on condition that he would instantly leave and never return to the country. He has never been heard of since.

One of the shrewdest of the gang, who from a personal deformity was called "Club Foot

George," well known as a robber and horse-thief, escaped arrest by surrendering himself to the commandant of Fort Lapwai (a United States post twelve miles distant), who confined him in the guard house.

The final disposition of the three villains in custody was delayed until the next day. A strong guard of well-armed men surrounded their prison. Just after midnight the sleeping inhabitants of the town were roused by several shots fired in the direction of the place of confinement. In a few minutes the streets were filled with citizens. A former friend of Peoples, one Marshall, who kept a hotel in town, had, in attempting his rescue, fired upon the guard. In return he received a shot in his arm, and was prostrated by a blow from a clubbed musket. The cause of the *mélée* being explained, the people withdrew, leaving the sentinels at their posts.

The next morning at an early hour the people gathered around the prison. The guards were gone and the door ajar. Unable to restrain their curiosity, and fearful that the robbers had been rescued, they pushed the door wide open. There, hanging by the neck, stark and cold, they beheld the bodies of the three desperadoes. Justice had been anticipated, and the first Vigilance Committee of the northern mines had commenced its work. No one knew or cared who had done it, but all felt that it was right, and the community breathed freer than at any former period of its history.

Intelligence of the execution, with the usual exaggeration, spread far and wide through the mining camps. It was received with approval by the sober citizens, but filled the robber horde with consternation. Charley Harper, while on his way from Florence to Lewiston to gather full particulars, met a mountaineer.

"Stranger," he inquired, "what's the news?"

"I s'pose you've heard about the hanging of them fellers?"

"Heard something. What's the particulars?"

"Well, Bill Peoples, Dave English, and Nels Scott have gone in. They strung 'em up like dried salmon. Happy Harry got out of the way in time; but if they get Club Foot George, his life won't be worth a cent. They're after a lot more of 'em up in Florence."

"Do you know who all they're after?" asked Harper.

"Yes. Charley Harper's the big chief they're achin' for the most, but the story now is that he's already hung. A fellow went into town day before yesterday, and said he saw him strung up out here on Camas Prairie. Did you hear anything of it back on the road?"

Harper needed no further information. He felt that the country was too hot to hold him, and that the bloodhounds were on his track. As soon as the miner was out of sight, he turned to the right, crossed the Clearwater some miles above Lewiston, and pursued a trail to Colville on the Upper Columbia, where we will take leave of him for the present.

CHAPTER XI.

NEW GOLD DISCOVERIES.

Immigration — Discoveries in Deer Lodge — At Boise — Ridgely recovers and goes to Elk City — Plummer and Cleveland go to Sun River — Spend most of the Winter there — Plummer in Love — Quarrels with Cleveland.

When the rumored discovery of extensive gold placers on Salmon river was confirmed, the intelligence spread through the Territories and Mississippi States like wildfire. Thousands of young men, thrown out of employment by the war, and other thousands who dreaded the evils which that great conflict would bring upon the nation, and still others actuated by a thirst for gain, utilized their available resources in providing means for an immediate migration to the land of promise. Before midsummer they had started on the long and perilous journey. How little did they know of its exposures! The deserts, destitute of water and grass, the alkaline plains where food and drink were alike affected by the poisonous dust, the roving bands of hostile Indians, the treacherous quicksands of river fords, the danger and difficulty of the mountain passes, the death of their companions, their cattle, and their horses, breakage of their vehicles, angry and often violent personal altercations, — all these fled in the light of the summer sun, the vernal beauty of the plains, the delightfully pure atmosphere which wooed them day by day farther away from the abode of civilization, and the protection of law. The most fortunate of this army of adventurers suffered from some of these fruitful causes of disaster. So certain were they in some form to occur, that a successful completion of the journey was simply an escape from death. The story of the Indian murders and cruelties alone, which befell hundreds of these hapless emigrants, would fill volumes. Every mile of the several routes across the continent was marked by the decaying carcasses of oxen and horses, which had perished during the period of this hegira to the gold mines. Three months with mules and four with oxen were necessary to make the journey, — a journey now completed in six days from ocean to ocean by the railroad.

Some of the earliest of these expeditions, after entering the unexplored region which afterwards became Montana, were arrested by information that it would be impossible to cross, with teams, the several mountain ranges between them and the mines. This discouragement was followed up by intelligence that the placers were overrun by a crowd of gold hunters from California and Oregon, and that large bands of prospectors were spreading over the adjacent territory. Swift on the heels of this came the rumor that new placers had been found at Deer Lodge, on the east side of the mountains.

The idea was readily adopted that the country was filled with gold placers, — that it was not necessary to pursue the track of actual discovery, but that each man could discover his own mine. Thus believing, the stream of emigration diverged, — some crossing the range to Fort Lemhi on the Lower Salmon, and others pursuing a more southerly course, with the hope of striking an old trail leading from Salt Lake to Bitter Root and Deer Lodge valleys. Some of this latter party remained on Grasshopper creek near the large cañon, where they made promising discoveries. The others went on to Deer Lodge, but being disappointed in the placers there, rejoined their companions and gave to their placer the name of Beaver Head Diggings, — that being the name given by Lewis and Clarke to the river into which the creek empties.

While these discoveries were in progress on the east side of the mountains, a prospecting party which had been organized at Florence under the leadership of a Californian by the name of Grimes, discovered the mines on the Boise. They were one hundred and fifty miles south of Florence. Grimes and his party sunk their first shaft fifteen miles north-west of the site of Idaho city. While preparing to extend their explorations, they unfortunately fell into an Indian ambuscade and their leader was slain.

Intelligence of the Beaver Head and Boise discoveries unsettled all local projects for building up the towns of Florence, Elk City, and Oro Fino. They were immediately deserted by all who could leave without sacrifice. West Bannack, at Boise, and East Bannack, at Beaver Head, sprung into existence as if by enchantment.

Ridgely had now so far recovered from his wound as to be able to travel. Accompanied by him and Reeves, Henry Plummer left the vicinity of Florence and went to Elk City. There he met with several of his old California acquaintances who were familiar with his early history. Fearful of remaining lest they should deliver him up to the authorities and cause him to be returned to California, or that a Vigilance Committee would visit him with heavier punishment, he suddenly departed, and ten days later made his appearance at Deer Lodge. He found the camp full of needy adventurers, the mines unpromising, and the chances few for replenishing his fortune by either gambling or robbery. After spending a few days of constantly increasing discouragement he started in company with Jack Cleveland for Fort Benton, intending to go down the Missouri by the first boat. Fortunate would it have been had he carried this design into execution. If it would not have saved him from a felon's death, it would have preserved the lives of those who afterwards became his victims.

Sixty miles from Benton, their horses jaded with travel, the two men stopped at the Government farm on Sun river for a few days' rest. In this secluded valley they were out of the way of pursuers. Carpeted with bunch grass, it afforded grazing for their half-starved horses, and in Mr. Vail, the man in charge of the farm, they found a very hospitable host. Divided centrally by the large and peaceful river, the valley stretched away on either side to numberless plateaus, remarkable for the uniform height and tabular recession with which they rose to the summits of the lofty foot hills, which in their turn swelled gradually into a circumference of heaven-kissing mountains. Nothing but a few forests were wanting to make the scene one of unparalleled grandeur. These were measurably supplied by the parks of cottonwood which stretched along either bank of the river, affording shelter for the herds of elk, antelope, and deer that roamed unharmed over the boundless solitude.

Here, sheltered by the arms of kind relatives, Harry Plummer first saw the only being which inspired his bosom with virtuous love. A young, innocent, and beautiful girl, artless and loving as a child, won by his attention and gentlemanly deportment, and the tale seductive as that poured by the serpent into the ear of Eve, which he told of his love, against the advice of her sister and friends, crowned his happiness with her heart and hand. No stories of his past career, no terrible picture of the future, no tears and petitions, could stay the sacrifice. She felt the sentiment so beautifully expressed by Moore,

> "I know not, I ask not, if guilt's in that heart,
> I but know that I love thee, whatever thou art," —

and under its influence she linked her fortunes with those of the robber, murderer, and outlaw, in the holiest of human ties.

A quarrel, of which this young lady was the innocent cause, took place between Plummer and Cleveland before the marriage of the former. Their old friendship was never re-established. Often during their residence at Sun river an exchange of bitter epithets only relieved their pent-up wrath. Afraid of each other, neither would leave the farm alone. Accordingly they went to Bannack in company, early in the winter of 1862–63. There we will leave them while we return to Florence to inquire after the fortunes of Cherokee Bob, whom we left a few chapters ago "settled in business."

CHAPTER XII.

DESERTION OF MINING CAMPS.

EFFECT OF DECAY IN MINES — FLORENCE IN DECLINE — NEW YEAR'S BALL — CYNTHIA GOES AND IS EXPELLED — WRATH OF CHEROKEE BOB AND WILLOUGHBY — ATTACK ON JAKEY WILLIAMS — FIERCE STREET FIGHT — BOB AND WILLOUGHBY KILLED — CYNTHIA RETURNS TO MAYFIELD.

THE decay of a mining town is as sudden and rapid as its growth, and the causes which occasion it as problematical. Few, comparatively, of the great number of placer camps in the Rocky Mountains, once peopled with thousands, survive beyond the third year of their existence. As soon as the placers fail to remunerate the miners they are abandoned. The crowd departs, and if any remain, it is that sober, substantial class which is satisfied with small gain as the reward of unceasing toil. Intelligence of new discoveries brought to a failing placer will cause the immediate departure of great numbers engaged in working it. These stampedes are among the most notable features of mountain life. Sometimes when the discovery of a new placer is announced, the entire population of a mining town strive with each other to be the first to reach it. Horses are saddled, mules are packed, sluices abandoned, and the long and unmarked route filled with gold hunters. Away they go, over mountains, across streams, through cañons and pine forests, with the single object of making the first selection of a claim in the new location. Not unfrequently it is the case that a single company is the first to learn of the discovery of a new rich placer. If the claim it has worked is abandoned the succeeding morning, it is received by the camp as incontestable evidence that a mine of superior richness has been found,—and hundreds start in pursuit of the missing company. Rumor is a fruitful cause of stampedes. Disappointments are more frequently the consequences than rewards. Instances are common where whole camps have been deserted to follow up a rumor, and be disappointed, and glad to return at last. There is nothing permanent in the life of a gold miner,—and beyond the moment, nothing strong or abiding in his associations.

"Whither he goes or how he fares,
Nobody knows and nobody cares."

Florence had suffered from these causes. The roving portion of the population had gone, some to Boise, some to Bannack, and some to Deer Lodge. Cherokee Bob and Cynthia still remained, but Harper had fled, and Peoples, English, and Scott slept the "sleep that knows no waking." Bill Willoughby, a suspected member of Harper's gang, was Bob's only companion.

The New Year was approaching. The good wives and daughters, in accordance with usual custom, proposed that it should be celebrated by a ball, — a proposition to which the other sex joyfully acceded. Extensive preparations were made for the supper and the ball-room attractively decorated. Cynthia made known to Bob her desire to go. He said in reply, "You shall go, and be respected like a decent woman ought to be." So he asked Willoughby to take his "woman to the ball, and," said he, "if things don't go right, just report to me." Cynthia assented to the arrangement, and Willoughby promised compliance. The guests had arrived when Cynthia, hanging on the arm of Willoughby, made her appearance. Scowls and sneers met them on every hand. A general commotion took place among the ladies. In little groups of five or six, scattered throughout the room, they whispered to each other their determination to leave if Cynthia was permitted to remain. The managers held a consultation, and Willoughby was told that he must take Cynthia home. No alternative presenting, he obeyed.

The gentlemen present were prepared to meet any further disturbance, but none occurred, and the ball passed off pleasantly. The next day Cherokee Bob marshalled his forces to avenge the insult, but was restrained by the evident preparation with which the citizens anticipated his design. He and his companions swaggered around town flourishing their pistols and bowie-knives, boasting of their prowess, but careful of giving personal offence. It would have been well for them had their resentment cooled here, but Bob's malice was not to be satisfied so easily. Two days had passed, and Cynthia's humiliation was unavenged. Before the close of another it must be propitiated with blood. Accordingly, the next morning it was agreed between Bob and Willoughby that they would precipitate the battle.

The most efficient leader of the citizens was a saloon keeper by the name of Williams, familiarly called "Jakey." He was an athletic man, and a determined enemy of the robbers, by whom he was held in great fear. He had been the hero of more than one desperate affray, and was regarded by Bob and Willoughby as the only obstacle in the way of their bloody project to kill the managers of the ball. The first act, therefore, in their contemplated tragedy was to dispose of him. "Jakey" at first sought to avoid them. They pursued him from house to house, till, tired of fleeing, he finally declared he would go no farther. Returning by a circuitous path, he was overtaken and fired upon by his pursuers while entering his saloon. He fired in return, and springing back, seized a loaded shotgun, and rushed into the street. Meantime, several citizens joined in the fight, which soon became general. The ruffians found themselves contending against fearful odds. Willoughby was slowly retreating with his face to his assailants, and firing as rapidly as possible. Cherokee Bob was pursuing the same strategy in an opposite direction. The twelfth fire exhausted Willoughby's pistols. He turned to run, with "Jakey" in full pursuit. Exhausted from loss of blood, which was pouring from sixteen wounds, he soon fell, and, throwing up his hands, exclaimed to one of his pursuers who was in the act of firing: —

"For God's sake, don't shoot any more. I'm dying now," and surrendered himself to death.

Bob beat a retreat at the first fire. Dodging behind a corner, where his head only was exposed, he fired upon his pursuers until his pistols were nearly empty. While aiming for another shot, a ball fired from an opposite window brought him to the earth, mortally wounded. He was taken to his saloon, and died the third day after the affray, in the full, and to him, consolatory belief that he had killed "Jakey" Williams at the first fire of his revolver. He had a brother living at Lewiston. His last words were, "Tell my brother I have killed my man and gone on a long hunt." His real name was Henry Talbert.

Cynthia was now without a protector. At his request she soon joined her old lover, Bill Mayfield, at Boise. This reunion was destined to be of short duration. The following spring Mayfield went to Placerville, Idaho, for a brief sojourn. A quarrel over a game of cards sprung up between him and one Evans. Mayfield drew his revolver, intending to settle it by a fatal shot, but Evans interposed: —

"I'm not heeled" — the mountain phrase for "I am not armed."

"Then go and heel yourself," said Mayfield, sheathing his revolver, "and look out the next time you meet me, for I'm bound to kill you at sight. One of us must die."

The next day, while Mayfield and two friends were walking in the suburbs, they came upon a muddy spot, across which a narrow plank had been laid. This necessitated crossing it in single file. Mayfield was in the centre. Evans was in a cabin beside the crossing, but a few feet distant. Seizing a double-barrelled shotgun, he fired upon Mayfield from his place of concealment, through an open window. Mayfield grasped for his revolver, but fell without power to draw it, exclaiming "I'm shot." He died in two hours, illustrating in his demise the Scriptural axiom, "with what measure ye mete, it shall be measured to you again." Evans was immediately arrested, but escaped from jail that night, and being furnished with a horse by a friend, fled the country, and was never apprehended.

After Mayfield's death Cynthia entered upon that career of promiscuous infamy which is the certain destiny of all women of her class. It is written of her that "she has been the cause of more personal collisions and estrangements than any other woman in the Rocky Mountains."

CHAPTER XIII.

BOONE HELM.

BOONE HELM — HIS EARLY LIFE — MURDERS SHOOT IN MISSOURI — TRIED AND CONVICTED, AND ESCAPES BY STRATAGEM TO CALIFORNIA — KILLS SEVERAL PERSONS AND FLEES TO DALLES — ATTEMPTS A JOURNEY ON HORSEBACK ACROSS THE TERRITORIES TO CAMP FLOYD IN UTAH — DISASTERS BY THE WAY — CANNIBALISM — JOHN W. POWELL'S LETTER — MURDER AT SALT LAKE — RETURNS TO WASHINGTON TERRITORY — FIGHTS WITH AND KILLS DUTCH FRED — CAPTURED ON FRAZER RIVER AND TAKEN TO BRITISH COLUMBIA — SUSPECTED OF KILLING AND EATING HIS COMRADE — CONFINED IN PENITENTIARY AT PORTLAND — THE HELM BROTHERS — COOLNESS OF "OLD TEX" — HELPS BOONE ON HIS TRIAL — BUYS UP WITNESSES — BOONE ACQUITTED AND GOES TO BOISE.

SOME men are villains by nature, others become so by circumstances. Hogarth's series of pictures representing in contrast the career of two apprentices illustrate this truth better than words. Both commenced life under the same influences. The predominance of good and evil is exhibited by the natural tendency of one to overcome all unfavorable circumstances by close application to business, and by virtuous associations, and of the other to idleness, vicious indulgences, and corrupt companionship. The one becomes Lord Mayor of London, and in the discharge of official duty passes sentence of death upon the other.

The wretch I am now about to introduce to the reader was one of those hideous monsters of depravity whom neither precept nor example could have saved from a life of crime. Boone Helm was a native of Kentucky. His parents emigrated to one of the newest settlements in Missouri while he was a boy. The rough pursuits of border-life were congenial to his tastes. He excelled in feats of physical strength, and delighted in nothing more than a quarrel which brought his prowess into full display. He was an inordinate drinker, and when excited by liquor gave way to all the evil passions of his nature. One of the exploits recorded of him was that of hurling his bowie-knife into the ground and regaining it with his horse at full speed. On one occasion, while the circuit court was in session, the sheriff attempted to arrest him. Helm resisted the officer, but urging his horse up the stairs into the court-room, astonished the judge by demanding with profane emphasis what he wanted of him.

In the year 1848 he married a respectable girl, but neither her affection nor the infant daughter born to him a year later could prevail with him to abandon his vicious and profligate habits. His wife sought security from his ill-treatment in divorce, which was readily granted. This freed him from family responsibilities, and he at once determined to emigrate either to Texas or California. Littlebury Shoot, a neighbor, while Helm was intoxicated, had, for pacific purposes, promised to accompany him, — intending when he was sober to avoid the fulfilment of the promise by explanation. Helm was told of his intention. He called upon Shoot, who had retired, and meeting him at the door of his house, with his left hand on his shoulder, in a friendly tone thus addressed him: —

"So, Littlebury, you've backed down on the Texas question, have you?"

Shoot attempted an explanation, but was stopped by the peremptory demand: —

"Well, are you going or not? Say yes or no."

"No!"

At the utterance of this reply, Helm buried his bowie-knife in the breast of the unfortunate man, who, without a struggle, fell dead at his feet. Mounting his horse immediately, he rode away. The brother of the victim and a few resolute friends followed in pursuit. They tracked him through several neighborhoods and captured him by surprise at an Indian reservation, and returned him to Munroe county for trial. He was convicted of murder; but his conduct was such while in confinement as to raise serious doubts of his sanity. After his conviction, under the advice of physicians, he was consigned to the lunatic asylum, his conduct meantime being that of a quiet, inoffensive lunatic. His keeper, finding him harmless, indulged him so far as to accompany him on daily walks into the country surrounding the institution. On one occasion, on some urgent pretence, Helm asked permission to enter a willow copse, which was readily granted. Afterwards the desire to enter this copse whenever he approached it seemed to take the form of mania. Suspecting no ulterior design, his keeper indulged him. One day, meeting a friend near the spot, the keeper, during Helm's absence, engaged in conversation. Time passed unnoticed at first, but as the stay of Helm was prolonged, the keeper, fearing some accident had befallen him, made a rapid search through the thicket. But the bird had flown. His stratagem was successful. He was never afterward seen in Missouri, but upon his escape he fled immediately to California. Several persons were killed by him while there, in personal rencontre. At length he committed actual murder, but escaped arrest by flight. In the spring of 1858 he arrived at Dalles, Oregon. Fearful of a requisition for his return to California, Helm, in company with Dr. Wm. H. Groves, Elijah Burton, Wm. Fletcher, John Martin, —— Field, and —— McGranigan, attempted a journey on horseback to Camp Floyd, Utah, sixty miles south-west of Salt Lake City, by way of Fort Hall. A ride of several days brought them to the Grand Ronde river. During that time they had become sufficiently acquainted with each other to banish all those feelings of distrust natural among strangers in a new country. Helm, who to his criminal qualities added the usual concomitant of being a loud-mouthed braggart, while narrating his exploits said in a boastful tone to McGranigan: —

"Many's the poor devil I've killed, at one time or another, — and the time has been that I've been obliged to feed on some of 'em."

"Yes," replied McGranigan, casting a sinister glance at Groves, "and we'll have more of that feasting yet."

The cold sincerity with which these words were uttered struck a chill to the heart of Groves, which experienced no relief when a few moments afterwards Helm proposed a plan for organizing a band of Snake Indians, and returning with them on a predatory excursion against the Walla Wallas.

"The Walla Wallas," said he, "own about four thousand horses. With such a band of Snakes as we can easily organize for the enterprise, we can run off two thousand of the best of those animals, and after dividing with the Indians, take ours to Salt Lake and dispose of them to advantage."

Groves, who had heard enough to satisfy him that a longer stay with this company would be accompanied by risks for which he had neither inclination nor fitness, mounted his horse at a late hour that night, and spurred back to the Dalles as rapidly as possible. On his arrival he sent intelligence to the chief of the Walla Wallas of Helm's contemplated foray, warning them to keep a careful watch upon their horses. His plans being frustrated, Helm remained in the vicinity till autumn, when, in company with his five companions, he continued his journey to Camp Floyd. Five hundred miles of this route lay through a wilderness of mountains, unmarked by a trail and filled with hostile Indians. It was late in October when the party left Grand Ronde river. The mountains were covered with snow. Cold weather had set in for a season whose only changes for the next six months would be a steady increase of severities. The thermometer, seldom above, often marked a temperature thirty or forty degrees below zero in the mountains. The passes were snowed up to the depths of twenty and thirty feet. Wild game, however abundant in summer, had retreated to the forests and fastnesses for food and shelter. Snow-storms and sharp winds were blinding and incessant. Deep ravines, lofty mountains, beetling crags, and dismal cañons, alternated with impenetrable pine forests, inaccessible lava beds, and impassable torrents, encumbered every inch of the way. Death on the scaffold or escape through this terrible labyrinth gave the alternative small advantage of the penalty. Small as it was, Helm and his companions took the risk and plunged into the mountain wilderness. He alone escaped.

In the absence of other narratives of this remarkable adventure, I record his own, as detailed to John W. Powell in April of the following year. Mr. Powell says: —

"N. P. Langford,

"Dear Sir: On the 10th of April, 1859, I was on my way from Fort Owen, Bitter Root

Valley, to Salt Lake City. My party consisted of one American named James Misinger, a Frenchman called 'Grand Maison,' a French half-breed named Antoine, and three Indians.

"I had crossed the Snake River just above Fort Hall, pitched my lodge, and was entering to indulge in a brief sleep, when I heard some one outside ask in a loud tone of voice, 'Who owns this shebang?' Stepping to the door and looking out, I saw a tall, cadaverous, sunken-eyed man standing over me, dressed in a dirty, dilapidated coat and shirt and drawers, and moccasins so worn that they could scarcely be tied to his feet. Having invited him in and inquired his business, he told me substantially the following: —

"His name was Boone Helm. In company with five others he had left Dalles City, Oregon, in October, 1858, intending to go to Camp Floyd, Utah Territory. Having reached the Raft river, they were attacked by a party of Digger Indians, with whom they maintained a running fight for several miles, but none of the party was killed or severely wounded. Late in the evening they reached the Bannack river, where they camped, picketed their horses near by, and stationed two sentinels. During the night one of the sentinels was killed, the savage who committed the deed escaping on a horse belonging to the party.

"Upon consultation, it was decided that they had better leave that place as soon as possible. The sky at the time was overcast with storm-clouds, and soon after they got into their saddles the weather culminated in a snow-storm, which increased in violence until it became terrific. Finally, being unable to see anything but sheets of snow, they became bewildered, and knew not in what direction they were proceeding. Morning brought no relief. In the midst of an ocean of snow, they were as oblivious of locality in daylight as if total darkness had encompassed them. They knew they were somewhere between Ross's Fork and the Bear river, and this was their most definite knowledge.

"At last they reached Soda Springs on Bear river, where familiar landmarks came in view. They then travelled up that river until they reached Thomas's fork, where they were forced to stop, from the lean and exhausted condition of their horses and the depth of the snow. Here they found a very comfortable cabin, and perforce went into winter quarters.

"Their provisions soon being all gone they commenced subsisting on their horses, killing one after another, until they had eaten them all but a celebrated race-horse which had been valued on the Upper Columbia at over a thousand dollars. Seeing now that they must all perish unless they soon reached a point where supplies could be obtained, the race-horse had to share the fate of the others. His meat was 'jerked' or hastily dried, that they might the more conveniently carry it on their backs. They then made snow-shoes of the hides of the horses, and started back towards, and aimed to reach, Fort Hall, where they supposed they would meet with human beings of some kind, white men, half-breeds, or Indians.

"The party kept together until they had got beyond Soda Springs, where some had become so exhausted they could scarcely travel, — and their meat getting frightfully small in amount, Helm and a man named Burton concluded not to endanger their own lives by waiting for the wearied ones, so they left them behind.

"The two finally reached the Snake river, and moved down it in search of Fort Hall, having nothing to eat but the prickly-pear plant. When they had reached the site of Cantonment Loring, Burton, starving, weary, and snow-blind, was unable to proceed; and a good vacant house being there, Helm left him, and continued on for Fort Hall.

"Reaching the fort, he found it without an occupant. He then returned and reached Burton about dark. When out in the willows hard by, procuring firewood, he heard the report of a pistol. Running back into the house, he found Burton had committed suicide by shooting himself. He then concluded to try and find his way into Salt Lake Valley. Cutting off, well up in the thigh, Burton's remaining leg (he had eaten the other), he rolled the limb up in an old red flannel shirt, tied it across his shoulder, and started.

"About eight miles out he met an Indian going in his lodge. He entreated the savage to take him along; but the Indian said he had nothing himself to eat, and that his family were starving. Helm exhibited handfuls of gold coin, when the Indian consented to his accompanying him.

"He remained at this lodge about two weeks, paying the Indian ten dollars a meal. His food consisted of ants and an unpalatable herb, called in the mountains the 'tobacco plant.'

"The above facts Helm gave me with tears in his eyes, and said, 'I will give you all I have in the world, — which is only nine dollars, — to take me to the settlements.' I told him I did not desire money for helping a man in his condition.

"That same evening the Indian with whom Helm had been stopping, visited me. His name was Mo-quip. I had known him for several years. He fully corroborated Helm's story, in regard to the carrying and eating the body of his companion. 'When I first tasted of the flesh,' said Mo-quip in his own tongue, 'I knew not what it was, but told the stranger it was *bueno* * game, — better than I had myself. The stranger then took hold of one of the corners of a red shirt that was around his pack, and jerked it up, when a white man's leg, the lower end ragged from gnawing, rolled out on the ground.' Altogether Helm had paid Mo-quip two hundred and eighty dollars.

"Having given him a new suit of buckskin, and furnished him with a horse, he set out with my party for Salt Lake City. Just after pitching my lodge the first evening after starting with him, 'Grand Maison,' very much frightened, came to me with a sack of gold coin which he said Helm had asked him to conceal until they reached Salt Lake City. I took the money and counted it — it amounted to fourteen hundred dollars.

"Though satisfied there was something wrong,

---

* Good.

I said nothing, and took Helm on to the settlements. Having ascertained in the meantime that he was the worst kind of a desperado, I called him to me as soon as we had reached the end of the journey, and handed him his money, saying, 'You can now take care of yourself.' He coolly put the coin in his pocket, without expressing a syllable of thankfulness for the assistance I had rendered him.

"It was not long until he had squandered all he had in gambling and drinking, and was finally expelled from Salt Lake Valley for his atrocities.

"Hoping these facts may be of service to you, allow me to subscribe myself,

"Your obt. servant,

"JOHN W. POWELL."

We have good reason for believing that before Helm fled from Salt Lake City he murdered, in cold blood, two citizens, at the instigation of some of the leading Mormons, who, after the deed was done, concealed him, and finally aided in his escape from arrest. Certain it is, that after leaving there, he travelled through southern Utah, and by a long circuit reached San Francisco, from whence he returned by water to the Dalles in Oregon.

Here he engaged in fresh villainies. Several murders which were committed along the route leading from the Columbia river to the gold mines were laid to his charge. At one time he stole a herd of horses in Washington Territory, which he sold at Vancouver Island. In this course of varied and hardened crime he passed his time till the spring of 1862, — with his usual good fortune escaping detection or arrest. In June of that year he made his appearance in Florence, where he soon found, among the roughs, congenial associates.

A man of that mixed character which united the qualities of a gambler, a skilful pugilist, and an honest, straightforward miner in his single person, known only as "Dutch Fred," at this time enjoyed a local notoriety in Florence which had won for him among his comrades the appellation of "Chief." He was neither a rowdy nor desperado, and in ordinary deal, honest and generous; but he gambled, drank, and when roused, was a perfect Hercules in a fight. Helm having been plied with liquor, at the request of an enemy of Fred's sought him out for the purpose of provoking a fight. Entering the saloon where Fred was seated at a faro table, Helm, with many oaths and epithets and flourishes of his revolver, challenged Fred to an immediate deadly combat. Fred sprung up, drew his knife, and was advancing to close with the drunken braggart, when the by-standers interfered, and deprived both of their weapons, which they entrusted to the keeping of the saloon-keeper, and Fred returned quietly to his game.

Helm apologized, and expressed regret for his conduct, and left the saloon. A few hours afterwards he returned. Fred was still there. Stepping up to the saloon-keeper, Helm asked for his revolver, promising that he would immediately depart and make no disturbance. No sooner was it returned to him than he turned towards Fred, and uttering a diabolical oath, fired at him while seated at the table. The ball missed, and before the second fire, Fred, unarmed, with his arms folded across his breast, stood before his antagonist, who, with deadlier aim, pierced his heart. He fell dead upon the spot. Helm cocked his pistol, and looking towards the stupefied crowd, exclaimed, —

"Maybe some more of you want some of this!"

As no one deigned a reply, he walked coolly away.

If Helm was arrested for this murder, he escaped; for the next we hear of him he was captured on Frazer river in the fall of 1862, as will appear from the following extract from a British Columbia paper: —

"The man, Boone Helm, to whom we referred some weeks since, has at last been taken. He was brought into this city last night strongly ironed. The first clue of the detectives was the report that two men had been seen trudging up the Frazer river on foot, with their blankets and a scanty supply of provisions on their backs. The description of one corresponded with the description given by the American officers of Boone Helm. Helm's conduct on the road is conclusive evidence that he was aware he was being pursued. He passed around the more populous settlements, or through them in the night time. When overtaken, he was so exhausted by fatigue and hunger that it would have been impossible for him to have continued many hours longer. He made no resistance to the arrest, — in fact, he was too weak to do so, — and acknowledged without equivocation or attempt at evasion that he was Boone Helm. Upon being asked what had become of his companion, he replied with the utmost *sang froid*: —

"'Why, do you suppose that I'm a —— fool enough to starve to death when I can help it? I ate him up, of course.'

"The man who accompanied him has not been seen or heard of since, and from what we have been told of this case-hardened villain's antecedents, we are inclined to believe he told the truth. It is said this is not the first time he has been guilty of cannibalism."

While on his return for trial in the spring of 1863, leave was obtained from the proper authorities at Portland, Oregon, to confine him in the penitentiary there until provision could be made to secure him safely at Florence. There I will leave him for the present, as, after accompanying me thus far through the horrible narrative of his adventures, my readers doubtless, now that he is fairly within the sharp fangs of the law, hope soon to learn that justice has finally overtaken him, and that the world is freed from his further depredations.

Three brothers of Boone Helm came to the Pacific coast between 1848 and 1850. They all died violent deaths. At the time of the return of Boone Helm to Florence for trial for the murder of "Dutch Fred," one of these brothers, familiarly called "Old Tex," was engaged in mining in the Boise diggings, two hundred miles south of

Florence. He had a good reputation for honesty, liberality, and courage. He was, moreover, a man of eccentric character. It is told of him that in one of the mining towns he threatened to shoot on sight a person with whom he had a personal difficulty. His enemy hearing of this, swore to reciprocate the intention upon the first opportunity. A chance soon after offering to carry his threat into execution, he said to "Old Tex," as he presented his pistol to fire, —

"Tex, I heard that you said that you'd shoot me on sight."

Looking around, "Tex" replied, "Well, didn't you say you would shoot me, too?"

"Yes, I did."

"Well, why don't you do it then? All you've got to do is to pull that trigger, and that's the last of 'Old Tex.'"

This stoical bravery won the admiration of the man and defeated his bloody purpose.

"Tex," said he, "I don't want to kill you."

"Do you mean that?" asked "Tex."

"I do."

"That suits me," replied "Tex," "let's go and take a drink." And thus their enmity ended in making them fast friends. "Tex" was killed by being thrown from a wild horse, in Walla Walla, in the year 1865.

It was to this brother that Boone Helm, when he found all hope of escape at an end, applied for assistance. True to the fraternal instinct, "Tex" promptly responded, and soon made his appearance in Florence, with a heavy purse. He soon satisfied himself that unless the testimony could be suppressed, the trial must result in conviction; and to this object he immediately addressed himself. Some of the witnesses had left the country. "Tex" succeeded in buying up all that remained, except one. He wanted an extravagant sum. "Tex" finally agreed to pay it, if he would at once leave the country and never return. The extortionist accepted the conditions. Fixing his cold, gray eye on him, "Tex," as he handed him the money, said: "Now, remember, if you do not fulfil the last condition of the bargain, you will have me to meet."

Shylock knew the character of the man too well to trifle with him.

The day of trial came, no witnesses appeared, the case was dismissed, and the red-handed murderer and cannibal was again at liberty to prowl for fresh victims. The true-hearted brother who had purchased his life, as soon as he was free, took him kindly by the hand, and in a voice choked with emotion, said to him, —

"Now, Boone, if you want to work and make an honest living, go down to Boise with me. I have plenty of mining ground, and you can do well for yourself: — but if you must fight, and nothing else will do you, I will give you an outfit to go to Texas, where you can join the Confederate armies, and do something for your country."

Boone accompanied his brother to Boise, and for a while engaged in mining, but it was not a congenial occupation. He soon signified his desire to go to Texas, and "Old Tex," true to his promise, furnished him clothing, a horse, and a well-filled purse. He set out in quest of new adventures, but, as we shall see hereafter, did not go to Texas.

CHAPTER XIV.

CHARLEY HARPER.

CHARLEY HARPER AT COLVILLE — NEW YEAR'S BALL — KICKS AND ABUSES A WOMAN — IS PURSUED BY THE PEOPLE, UPON WHOM HE FIRES — CAPTURED AND HUNG — VIGILANTES OF FLORENCE BANISH "FAT JACK" — HE RETURNS, IS WARNED, AND LEAVES TOWN — STOPS AT NESELRODE'S CABIN — COMPANY FIRE UPON THE CABIN — KILL NESELRODE AND "FAT JACK" — WHO TO BLAME.

WE return now to Charley Harper, whom we left at Colville on the Upper Columbia, a fugitive from the Vigilantes of Florence. Fear had exercised a healthful restraint upon his conduct, and during the brief period that had elapsed since his flight, though by no means a model citizen, he had been guilty of no offences of an aggravated character. He was, however, known to be a favorite with the roughs, a gambler, a drunkard, and a man of desperate resources. Good men shunned and watched him. Had there been a Vigilante organization in existence then, he would have received its closest observation. But in a condition of society where all classes intermingled, he contrived to slip along without molestation.

New Year's Day brought with it the customary ball, to which all were invited. The preparations were on a scale commensurate with the wishes and means of the miners, who generally, upon such occasions, spare no expense while their money holds out. Everybody in the town was in attendance, Charley Harper among the number. Attracted at an early hour of the evening by the sparkling eyes and voluptuous person of a half-breed woman, he devoted to her his entire attention, dancing with her often, and bestowing upon her many unmistaken civilities. As the evening wore on, Charley became boisterous, swaggering, and noisy. His inamorata declined his further attentions, and refused his hand for a dance. Incensed to madness by this act, crazy with liquor, he knocked her down, and beat and kicked her in a most inhuman manner after she had been prostrated. This roused the indignation of the by-standers, and Charley, seeing vengeance in their demonstrations, fled in terror before them. They pursued him through the streets, he retreating and firing upon them until he had emptied his revolver. The pursuit ended in his capture, a rope was procured, and in a few moments afterwards the lifeless form of the wretched desperado was swinging in the cold night wind from the limb of the tree nearest the place of his arrest. Thus ended the life of one who, among his own associates, bore the name of being the meanest scoundrel of their gang.

After the affray which terminated in the death of "Cherokee Bob" and Willoughby, the Vigilantes of Florence met, passed congratulatory resolutions, and renewed their measures for the effectual suppression of crime in their midst. Their Executive Committee was instructed to warn all suspicious characters to leave the place immediately, — and they determined to visit with condign punishment those who disobeyed. The leading men among the offenders had fled in anticipation of some public demonstration, so that those who remained were few and powerless. Among these was a tall, lean, cadaverous individual, derisively called "Fat Jack," who, like "Happy Harry," belonged to that class of negative scoundrels, whose love for crime is confined by fear to petty thefts. "Fat Jack" obeyed the order to leave, and went to Walla Walla. Brooding over his expulsion with increasing indignation, and encouraged in the belief that he could return without molestation, after a short period he went back to Florence, muttering by the way violent threats against those who had banished him. Two months had elapsed since his hegira. It was late in the afternoon of a cold, stormy, March day when he entered the town. At his first appearance he was promptly waited upon by the members of the Executive Committee, who ordered him to retrace his steps at once, or he would be hanged. Hard as this order may seem to the casual reader, to have neglected it would have endangered the efficiency of the committee and opened a way for a return of the roughs to their old haunts.

The poor wretch turned his face to the storm, and wandered through the darkness, sleet, and wind, despairingly, from cabin to cabin, in search of food and lodging. Every door was closed against him, and he was rudely and unpityingly told to "Be gone," by all from whom he sought relief. At a distance of four miles from Florence he stopped at a late hour of the night at the door of a worthy man by the name of Neselrode. Jack answered frankly the old man's questions. Neselrode admitted him, gave him supper, and a bed by his cabin fireside. A hired man was the only other occupant of the house.

At a later hour of the night, two men roused Mr. Neselrode, and demanded the person of "Fat Jack." Neselrode, on being told that they had no authority, refused to surrender him to an irresponsible party, as to do so would be on his part a violation of the laws of hospitality. His refusal was followed by the instant discharge of two double-barrelled shot-guns which riddled the door with buckshot, and stretched in death-throes both the kind-hearted host and his criminal guest. The one surviving man threw open the door, and bade the dastardly ruffians to enter, telling them the murderous effects of their shots. They availed themselves of the darkness to flee without recognition. None of the citizens of Florence were more indignant when told of this cruel assassination than the Vigilantes themselves. A meeting was held denouncing the perpetrators, and pledging the citizens to the adoption of every possible means for their early detection and punishment. Alas! the criminals remain to this day undiscovered. They belonged, doubtless, to that class of officious individuals, of whom there are many in the mining camps, who in point of moral character and actual integrity are but a single remove from the criminals themselves, — men who live a cheating, gambling, dissipated life, and seek a cover for their own iniquities by the energy and vindictiveness with which they pursue others accused of actual guilt. If the various protective societies which at one time and another have sprung up in the mining regions to preserve peace and good order are liable to any charge of wrong, it was their neglect to punish those men who used the organization to promote their own selfish purposes, and in the name of Vigilante justice committed crimes which on any principle of ethics were wholly indefensible. The fact that in some instances wrongs of this kind have occurred, only adds to the proof, that in all forms of society, whether governed by permanent or temporary laws, there are always a few who are adroit and cunning enough to escape merited punishment.

CHAPTER XV.

PINKHAM AND PATTERSON.

Character of Pinkham — His Birthplace — His Life in California — Goes to Florence — Is appointed U. S. Marshal of Idaho — Character of Patterson — He kills Staples — Is acquitted of Murder — Difference in the Characters of the Two Men — Pinkham arrests Patterson — They meet at Warm Springs — Patterson kills Pinkham — Patterson arrested by Robbins — Patterson's Cruelty — Organization of Vigilantes — Confronted by a Sheriff's Posse — Vigilantes disband — Trial of Patterson — Acquittal — Goes to Walla Walla — Is killed by Donahue.

No two men filled a broader space in the early history of the Florence mines than Pinkham and Patterson. Their personal characteristics gave them a wide-spread notoriety, and a sort of local popularity, which each enjoyed in his separate sphere. They were both leaders, after their own fashion, in the heterogeneous society in which they moved, and he was deemed a bold man who would gainsay their opinions, or resist their enterprises.

They were both gamblers, and lived the free and easy life of that pursuit; a pursuit which, in a new mining camp, next to that of absolute ruffianism, enabled its votaries to exercise a power as unlimited as it is generally lawless and insurrectionary. Indeed, there, it is the master vice, which gives life and support to all the other vices, and that surrounds and hedges them in.

The order of influences which govern and direct the social element of a mining camp in its infancy are exactly the reverse of those which govern and direct the social element of an Eastern village. The clergyman, the church, and the various little associations growing out of it, which make the society of our New England villages so delightful, and, at the same time, so disciplinary and instructive, are superseded in a mining community by the gambling saloon, cheap whiskey, frail women, and all the evils necessarily flowing from such polluted combinations. In the one case, religion and morality stand in the foreground, protected by the spirit of wise and inflexible laws; in the other, the rifle, the pistol, and the bowie-knife are flourished by reckless men, whose noblest inspirations are excited by liquor and debauchery. While all that is good and true and pure in society is brought into unceasing action in the one case, all that is vile and false and polluted reigns supreme in the other. We look to the one condition of society for all great and good examples of humanity, and to the other for such as are of an opposite character.

If we are to credit the early history of New England, Miles Standish was a central character of Puritanic chivalry and fidelity. The people had faith in his Christian character, and entire confidence in his strong arm and fertility of expedients in the hour of danger. Some such sentiment, qualified by the wide difference in the moral character of the two men, attached the mining community of Florence to Pinkham. He was a bold, outspoken, truthful, self-reliant man, without a particle of braggadocio or bluster, careful always to say what he meant, and to do what he said. Fear was a stranger to him, and desperate chances never found him without desperate means.

Pinkham was a native of Maine, and physically a fine type of the stalwart New Englander. In stature he was more than six feet, and in weight upwards of two hundred pounds. To the agility of a mountain cat he added the quick, sharp eye of an Indian and the strength of a giant. Trained by years of frontier exposure, he was skilled in the ready use of all defensive weapons. When aroused, the habitual frown upon his brow gathered into a fierce scowl, and the steely gray eyes fairly blazed in their sockets. At such times he was dangerous, because it was his custom to settle all disputes with a word and a blow, and the blow almost always came first. The intensity of his nature could not brook altercation.

Pinkham had been an adventurer ever since the discovery of gold in California. He was among the first of that great army of fortune-seekers which braved the perils of an overland trip to that distant El Dorado in 1849. If, before he left his New England home, no blight had fallen upon his moral nature, it is certain that soon after his arrival in the land of gold his character took the form which it ever afterwards wore, of a gambler and desperado. In this there was nothing strange, as he was but one victim in a catastrophe that wrecked the characters of thousands. The estimate is small, which places at one-half the number of the early Pacific gold-seekers, those who fell victims to the moral ruin of life in the mining camp. It was the fruitful nursery of all those desperate men, who, after years of bloody experience, expiated their crimes upon the impromptu scaffolds of the Vigilantes, or in some of the violent brawls which their own recklessness had excited. Pinkham's pursuits in California were those of the professional gambler. At one time he kept a common dance-house in Marysville. It is fair, in the absence of facts, to presume that his life in the Golden State was a preparatory foreground for the one which followed in the mountains of Washington Territory. He was among the first, in 1862, who were lured to that Territory by the reports of extensive gold discoveries. Among the desperate, reckless, and motley crowd that assembled at Florence immediately after the discovery of the mines, was Pinkham, with his faro boards and monte cards, "giving the boys a chance for a tussle with the tiger and the leopard." It was not long until he became a central figure in the camp. The wild, undisciplined, pleasure-seeking population, attracted by the outspoken boldness and self-assertion of the man, quietly submitted to the influence which such characteristics always command. And no man better understood his power over his followers, or exercised it more warily, than Pinkham. The reputation which he enjoyed, of being a bold, chivalric, fearless man, ready for any emergency, however desperate, gained for him the favor of every reckless adventurer who shared in his general views of the race.

Unlike most of the gamblers and roughs, who for the most part sympathized with the Confederates, Pinkham was an intense Union man. He never lost an opportunity to proclaim his attachment for the Union cause, and denounced as traitors all who opposed it. No fear of personal injury restrained him in the utterance of his patriotic sentiments, and as he always avowed a readiness to fight for them, his opponents were careful to afford him no opportunity. At every election in Idaho City after the organization of the Territory, he was found at the polls surrounded by a set of plucky fellows armed to the teeth, ready at his command for any violent collisions with secessionists that the occasion might inspire. His tall form, rendered more conspicuous by the loud and inspiring voice with which, to the cry of "negro worshippers," "abolitionists," and "Lincoln hirelings," he shouted back "secessionists," "copperheads," "rebels," and "traitors," was always the centre of a circle of men who would oppose force to force and return shot for shot.

On his return to Idaho City from a business visit to the States, a few days before the anniversary of our national independence of the year in which he was killed, he was so indignant that no preparations had been made for a celebration, that when the day arrived he procured a National flag, hired a drummer and fifer, and followed them, waving the banner, through the streets of the town, greatly to the disgust of the secessionists. The South had just been conquered, and the demonstration wore the appearance of exultation, but no one aggrieved by it had the hardihood to interrupt its progress. "Old Pink," as he was familiarly called, was much too dangerous a character to meddle with.

With all his rough and desperate characteristics, Pinkham had no sympathy for the robbers and murderers and thieves which swarmed around him; and when Idaho was organized the governor of the Territory appointed him sheriff of Boise County. Soon afterwards he received the appointment of United States marshal, an office which made him and his friends in some measure the representatives of law and order. By promptly discharging the duties of these offices, he was held in great fear by the criminal population of the Territory, and won the respect of the best citizens for his efficiency and fidelity.

Patterson was a native of Tennessee, from whence, in boyhood, he went with his parents to Texas, and grew to manhood among the desperate and bloody men of that border State. His character, tastes, and pursuits were formed by early association with them. He was a gambler by profession, but of a nature too impulsive to depend upon it as a means of livelihood. When he came to California, he turned his attention to mining, alternating that pursuit with gambling, as the inclination seized him. Like Pinkham, he was a man of striking presence, — in stature six feet, and of weight to correspond, with a fair complexion, light hair streaked with gray, sandy whiskers, and, when unaffected by liquor or passion, a sad, reflective countenance, lit up by calm but expressive blue eyes. His habitual manner was that of quiet, gentlemanly repose; — and to one unacquainted with his characteristics, he would never have been suspected of a fondness for any kind of excitement. In conversation he was uniformly affable when sober, and bore the reputation of being a very genial and mirth-loving companion when engaged with others in any exploring or dangerous enterprise. He was brave to a fault, and perfectly familiar with all the exposures and extremes of border life, — as ready to repair the lock of a gun or pistol as to use those weapons in attack or defence. His kindness and thoughtfulness for the comfort of any of his party in the event of sickness, and the resources with which he overcame obstacles in the numerous expeditions of one kind and another in which he participated, made him a great favorite with all who knew him, and gave him a commanding power over the society in which he moved. He was naturally a leader of those with whom he associated. Had these been his only characteristics, Patterson would have been one of the most useful men in the mining regions, — but whiskey always transformed him into a demon. Patterson was not a steady drinker, but gave himself up to occasional seasons of indulgence. He was one of that large class of drinkers who cannot indulge their appetites at all without going through all the stages of excitement, to complete exhaustion. From the moment he entered upon one of these excesses to its close, he was dangerous. The whole man was changed. His calm, blue eye looked like a heated furnace and was suggestive of a thirst for blood. His quiet and gentlemanly manner disappeared. His breath was labored, and his nostrils dilated like those of an enraged buffalo. He remembered, on these occasions, every person who had ever offended him, and sought the one nearest to him to engage him in quarrel. His whole bearing was aggressive and belligerent, and his best friends always avoided him until he became sober.

His unfortunate propensity for liquor had involved him in several serious affrays before he came to the Idaho mines. On one occasion, in Southern Oregon, a man who had suffered injury at his hands while on a drunken spree, shot him in the side by stealth. Patterson, with the quickness of lightning, drew his revolver, fired upon and wounded his assailant. Both fell, and Patterson, believing the wound he had received would prove fatal, fired all the remaining charges in his pistol at his antagonist, and then called for his friends to take off his boots as quickly as possible before he died.

The original expression "he will die with his boots on some day," uttered many years ago as the prediction of some comical miner that a murderer would be hanged or come to his death by violence, has grown into a fatalistic belief among the reckless and bloodthirsty ruffians of the Pacific coast. Patterson, who shared in this faith, intended, by having his boots taken off, to signify to those around him that he had never been guilty of murder. When we consider that of the great number of those who in the early history of the mining regions were guilty of murder, nineteen at least of every twenty have expiated their crimes upon the scaffold or in bloody affrays, the faith in this frontier axiom seems not to be greatly misplaced: but why it should be any more potent as a human prediction than as the stern edict of the Almighty denounced against the murderer four thousand years ago, I leave for the solution of those modern thinkers who build their belief outside the lids of the Bible.

Another bloody rencontre in which Patterson was engaged was with one Captain Staples in Portland, Oregon. Staples, an ardent Unionist, boisterously patriotic from liquor, insisted that all around him should join in a toast to Lincoln and the Union arms. Patterson refused, and an unpleasant altercation followed, but the parties separated without collision. Later in the evening they met, and the difficulty was renewed, and in the fight Staples was killed. Patterson was tried and acquitted; and became, in consequence of the quarrel and trial, a great favorite and champion among the secessionists of Portland.

Some time after this, in a drunken frenzy he scalped a disreputable female acquaintance. His own version of this affair was as follows: "I was trying," said he, "to cut off a lock of her hair with my bowie-knife, but she wouldn't keep her head still, and I made a mistake, and got part of her scalp with the hair." For this act he was arrested and recognized to await the action of the grand jury; but before the term of court he left the State, and his bondsmen were compelled to pay the forfeiture.

Patterson came to Idaho with the first discovery of gold in that section. His fellow-gamblers, who never failed to take advantage of his unskilful playing, with one hand, were always ready to contribute to his necessities with the other. If he wanted money to stock a faro bank they furnished it. If a saloon keeper needed a man who united popularity and strength to arrest the encroachments of the roughs, he was ever ready to share a liberal portion of his profits with Patterson for such services. The difference between Pinkham and Patterson was that, while the friends of the former looked to him for aid in their embarrassments, those of the latter afforded him the means of existence.

About a year before the occurrence of the bloody affray between these men, Patterson and some of his friends, during a period of drunken excitement, took unlawful possession of a brewery in Idaho City, and engaged in the manufacture of beer. Pinkham was the only person in the city brave enough to undertake their arrest. When he entered the building for the purpose, he informed Patterson of his object and was met with violent resistance. In the struggle Pinkham was successful, and Patterson was arrested and taken away. The citizens, knowing the character of Patterson, and expecting nothing less than a shooting affray as the consequence of the arrest, were surprised at his submission. It was soon understood, however, that the bad blood provoked by the incident had severed all friendly relations between the champions, and that Patterson would avail himself of the first opportunity to avenge himself. Months passed away without any collision. The subject, if not forgotten, was lost sight of as other occurrences more or less exciting transpired.

On the day he was killed, Pinkham, with an acquaintance, rode out to the Warm Springs, a favorite bathing resort two miles distant from Idaho City. Meeting there with several friends, he drank more freely than usual and became quite hilarious.

Patterson returned early the same day from

Rocky Bar, fifty miles distant. Half-crazed from the effects of protracted indulgence in drinking and a severe personal encounter, his friends, to aid his return to sobriety, took him to the springs for a bath. Among others who accompanied him was one Terry, a vicious, unprincipled fellow, who, in a conflict with Patterson a year before, begged abjectly for his life when he found himself slightly wounded, and ever after, spaniel-like, had licked the hand that smote him. When they arrived, Pinkham and his friends were singing the popular refrain of "John Brown," and had just completed the line —

"We'll hang Jeff Davis on a sour apple tree,"

as Patterson and his party stepped upon the porch. Jefferson Davis was at that time in custody. With the curiosity which exercised the Unionists one of the singers said to Pinkham: —

"Pink, do you think they will hang Jeff Davis?"

"Yes," replied Pinkham, "in less than six weeks."

Hearing a step on the threshold, he turned, and his gaze met the heated eyes of Patterson. Neither spoke, or, except by vengeful looks, gave any token of recognition. Patterson advanced to the bar. Terry crowded behind him, and slipped a derringer into his pocket. With an oath and opprobrious epithet, Patterson said, —

"Don't mind him. He is not worth the notice of a gentleman."

Pinkham, looking steadily at Patterson, with his habitual frown deepened, passed out upon the porch. Patterson went through the opposite door to the swimming pond, followed by Terry. After they were out, he handed the derringer back to Terry, and proceeded with his bath. Terry returned to the bar, and going around to the desk, while unobserved by Turner, the landlord, thrust a revolver under his coat, and went back to Patterson. Doubtless he told Patterson that Pinkham and his friends intended to attack him, for Patterson was observed on the moment to be greatly excited. Pinkham's friend, who knew both Patterson and Terry, told Pinkham that mischief was brewing, and suggested their immediate return to town.

"No," replied Pinkham, "when he insulted me in the bar-room, I was unarmed, but now I am ready for him."

"But it is better," suggested his friend, "to avoid a collision. No one doubts your courage."

"I will not be run off by the rebel hound," said Pinkham. If I were to leave, it would be reported that I had 'weakened' and fled from Patterson, and you know that I would prefer death in its worst form to that."

Patterson hurried out of the bath, dressed himself as quickly as possible, and with the revolver strapped to his side, came into the barroom. Calling for a drink, in a loud tone and with much expletive and appellative emphasis, his blood-drinking eyes glaring in all directions, he demanded to know where Pinkham had gone. Turner, thinking to pacify him, replied in a mild tone, —

"Away, I believe."

Pinkham at this moment was standing by a bannister on the porch, and engaged in conversation with a friend by the name of Dunn. He was unapprised of Patterson's return to the saloon, and, from the tenor of his conversation, believed he would be warned of his approach. For the impression that each entertained of the other's intention to fire upon him, and that both were awaiting the opportunity to do so, these men were indebted to the mischievous interference of those friends whose wishes were parent to the thought.

"I will not be run off by Patterson," said Pinkham, "nor do I wish that through any undue advantage he should assassinate me. All I ask is fair play. My pistol has only five loads in it."

"Stand your ground, Pink," replied Dunn. "I have a loaded five-shooter, and will stand by you while there is a button on my coat."

These words were scarcely uttered, when Patterson stepped from the saloon upon the porch. Turning to the right, he stood face to face with Pinkham. The fearful glare of his bloody eyes was met by the deepening scowl of his antagonist. Hurling at him a degrading epithet, he exclaimed, —

"Draw, will you?"

"Yes," replied Pinkham with an oath, "I will," and drawing his revolver, poised it in his left hand to facilitate the speed of cocking it.

Patterson, with the rapidity of lightning, drew his, cocking it in the act, and firing as he raised it. The bullet lodged under Pinkham's shoulder-blade. Pinkham received a severe nervous shock from the wound, and delivered his shot too soon, the bullet passing over the head of Patterson, into the roof. At Patterson's second fire the cap failed to explode, but before Pinkham, who was disabled by his wound, could cock his pistol for another shot, Patterson fired a third time, striking Pinkham near the heart. He reeled down the steps of the porch, and fell forward upon his face, trying with his expiring strength to cock his revolver. At the first fire of Patterson, Dunn forgot his promise to stand by Pinkham. Jumping over the bannister, he sought refuge beneath the porch. Stealing from thence when the firing ceased, he ran across the street, where, protected by the ample trunk of a large pine, he took furtive observation of the catastrophe. Pinkham's other friend came from the rear of the house in time to assist Turner in removing his body.

Patterson's friends, some seven or eight in number, well pleased with the result, but fearing for his personal safety, mounted him on a good horse, armed him with revolvers, and started him for a hurried ride to Boise City. Half an hour served to carry intelligence of the encounter to Idaho City. The excitement was intense. Pinkham's friends were clamorous for the arrest and speedy execution of Patterson; those of the latter avoided a collision by keeping their own counsel, and expressing no public opinion in justification of the conduct of their champion. Terry and James, the instigators of the contest, secreted themselves, and left town by stealth at the first opportunity. Indeed, many of Patterson's friends believed that Terry intended that the affray should terminate differently. The pistol which he furnished Patterson had been lost, and buried in the snow the entire winter before the encounter, and it was supposed by the owner, who was afraid to fire it lest it should explode, that the loads were rusted. Terry knew of this. He stood in personal fear of Patterson, and bore an old grudge against him. Here was his opportunity. At the second attempt of Patterson to fire, the pistol failed, and the wonder is that it went off at all.

In less than an hour after the tragedy, Robbins, an old friend and former deputy of Pinkham, armed with a double-barrelled shotgun and revolvers, mounted his horse, and left town alone, in swift pursuit of Patterson. He was noted for bravery, and had been the hero of several bloody encounters. At a little wayside inn, seventeen miles from the city, he overtook the fugitive, who had stopped for supper. Patterson came to the door as he rode up.

"I have come to arrest you, Ferd," said he, at the same time raising his gun so that it covered Patterson.

"All right, Robbins, if that's your object," replied Patterson, as he handed Robbins his revolver. In a few moments they started on their return. Before they arrived at town, several of the sheriff's deputies met them, and claimed the custody of Patterson. Robbins surrendered him, and he was taken to the county jail.

After the account given of the fight by Patterson had been circulated, the community became divided in sentiment, the Democrats generally espousing the cause of the prisoner, the Republicans declaring him to be a murderer. There were some exceptions. Judge R——, a life-long Democrat, and a Tennesseean by birth, was very severe in his denunciation of Patterson. He distinguished him as the most marked example of total depravity he had ever known, and related the following incident in confirmation of this opinion: —

Several years before this time, Patterson joined in an expedition in Northern California, to pursue a band of Indians, who had been stealing horses, and committing other depredations upon the property of the settlers. The pursuers captured a bright Indian lad of sixteen. After tying him to a tree, they consulted as to what disposition should be made of him. They were unanimous in the opinion that he should not be freed, but were concerned to know how to take care of him. Some time having elapsed without arriving at any conclusion, Patterson suddenly sprung to his feet, and seizing his rifle, said with an oath that he would take care of him, and shot the poor boy through the heart. "That incident," said the judge, "determined for me the brutal character of the wretch. His whole life since has been of a piece with it. For years he has been a 'bummer' among men of his class. He has lived off his friends. He has had no higher aims than those of an abandoned, dissolute gambler. Pinkham, though a gambler, had other and better tendencies. His schemes for the future looked to an abandonment of his past career, and he was in no sense a 'bummer.'"

The justice of this criticism was unappreciated by Patterson's friends. He was provided with comfortable quarters in the jailor's room, and accorded the freedom of the prison yard. His friends supplied him with whiskey and visited him daily to aid in drinking it. No prisoner of state could have been treated with greater consideration. The gamblers and soiled doves gave him constant assurance of sympathy. Even the poor wretch he had scalped at Portland wrote to ascertain if she could do anything for "poor Ferd."

Pinkham's friends, enraged at the course pursued by the officers of justice, began to talk of taking Patterson's case into their own hands. The example of the Montana Vigilantes excited their emulation. When they finally effected an organization, several of Patterson's friends gained admission to it by professing friendship for its object. They imparted its designs and progress to others. Patterson was informed of every movement, and counselled his adherents what measures to oppose to the conspiracy against his life. Meantime the Vigilantes appointed a meeting for the purpose of maturing their plans, to be held at a late hour of the evening, in a ravine across Moore's creek, a short distance from the city. Patterson having been apprised of it, was anxious to obtain personal knowledge of its designs. So when the hour arrived, representing in his own person one of the deputy sheriffs with the consent of the sheriff, he placed himself at the head of an armed band of six men as desperate as himself, and stole unperceived from the jail-yard to a point within three hundred yards of the rendezvous. Here they separated. Each with a cocked revolver approached at different points, as near the assemblage as safety would permit. Three hundred or more were already on the ground, and others constantly arriving. It was a large gathering for the occasion,—and the occasion was not one to inspire with pleasurable emotions the mind or heart of the wretch who was risking his life to gratify his curiosity. Nevertheless, he crept forward till within seventy yards of the chairman's stand.

The place of meeting was partially obscured by several clumps of mountain pines, which grew along the sides of the ravine, and enclosed it in their sombre shade. It was bright starlight. When the gathering was complete and had settled into that grim composure which seemed to await an opportunity for a hundred voices to be raised, the chairman called upon a Methodist clergyman present to open their proceedings with prayer. This request, at such a time, must appear strange to the minds of many of my readers. And yet, why should it? It bore testimony to some sincerity and some solemnity in the hearts of the people, even though they had assembled for an unlawful, perhaps some of them for a revengeful, purpose. They felt, doubtless, that the law did not and would not protect them, and if they had known that the person whose doom they were there to decide, at that very moment stood near, armed, a secret observer of their proceedings, with friends within the call of his voice to aid him or obey his orders, they might very properly have concluded that the law exposed them to outrage and murder. Prayer had no mockery in it in such an exigency. Patterson afterwards jocosely remarked that it was the first prayer he had listened to for twenty years. Its various petitions, certainly, could not have fallen pleasantly upon his ears.

Patterson returned unobserved to the jail at a late hour, fully possessed of the designs of the committee. A system of espial was kept up by his friends, by means of which the sheriff and his deputies were enabled to devise a successful counter-plot. At eleven o'clock in the morning of a bright Sabbath, a few men were seen congregating upon the eastern side of Moore's creek, below the town, for the supposed purpose of carrying out the decision of the previous evening, which was the execution of Patterson. Patterson and thirty of his friends, armed to the teeth, were in the jail-yard looking through loopholes and knot-holes, anxiously watching them.

When their numbers had reached a hundred, a signal was given to the sheriff. He quickly summoned a *posse* of one hundred and fifty men, who had received intimation that their services would be needed. Fully armed, they marched slowly to a point on the west side of Moore's creek, where they confronted the Vigilantes. Nothing daunted at this unexpected demonstration, the latter quietly awaited the arrival of several hundred more, who had promised to join them. Hours passed, but they came not. Not another man was bold enough to join them. Robbins, who, after much persuasion, had consented to act as their leader, was greatly disgusted, and for three hours declined all propositions to disband. Every hill and housetop was crowded with spectators, citizens of Idaho and Buena Vista Bar, anticipating a collision. The newly elected delegate to Congress was on the ground, making eager exertions to precipitate a contest.

"Why don't you fire upon them?" said he, with a vulgar oath to the sheriff. "You have ordered them to disperse, and still permit them to defy you."

The sheriff, though a determined, was a kind-hearted man, and wished to avoid bloodshed. He knew if his men fired the fire would be returned, and a bloody battle would follow. He was also aware that seven hundred or more had enrolled their names in the ranks of the Vigilantes; courageous men and good citizens, who would probably rally to the assistance of their comrades in case of an attack. The day wore on with nothing more serious to interrupt its harmony than the noisy exchange of profane epithets and vulgar threats between the two bands, until it was finally agreed that persons should be selected from both factions to work up the terms of a peace. The result was that the Vigilantes disbanded, upon the sheriff's pledge that none of them should be arrested, and Patterson was conveyed to prison to await the decision of a trial at law. After an unsuccessful effort of his attorney to have him admitted to bail, the sheriff remanded him to custody.

The counsel on both sides prepared for trial with considerable energy. The evidence was all reduced to writing. The character of each juryman, the place of his nativity, and his political predilections were ascertained and reported to the defendant's counsel. The judge and sheriff were required, by the Idaho law, to prepare the list of talesmen when the regular panel of jurors was exhausted. In the performance of this duty in Patterson's case, the judge selected Republicans, and the sheriff Democrats. When the list was completed, and the *venire* issued, a copy of it was furnished to Patterson's friends, who caused to be summoned as talesmen such persons named in it as were suspected of enmity to the accused, in order that they might be rejected as jurors. The preliminary challenges allowed by law to the defendant were double those allowed to the prosecution. With all these advantages, the defendant's counsel could hardly fail in selecting a jury favorable to their client; and after the jury was sworn, such was its general composition, that both the friends and enemies of the prisoner predicted an acquittal. Nor were they disappointed. When his freedom was announced from the bench, his friends flocked around him to tender their congratulations. But Patterson was not deceived. He felt that he was surrounded by enemies. Sullen eyes were fixed upon him as he walked the streets. Little gatherings of the friends of Pinkham stood on every corner in anxious consultation. He very soon concluded that his only safety was in departure. At first he thought of returning to Texas, but the allurements around him were too strong: besides, he owed considerable sums of money to the friends who had aided him in making his defence. He had, moreover, many attached friends, who, by promises of assistance, sought to dissuade him from leaving the country. Finally, two weeks after his trial, he left Idaho City for Walla Walla.

One day the following spring, Patterson entered a barber's shop for the purpose of getting shaved. Removing his coat, he seated himself in the barber's chair. A man by the name of Donahue arose from a chair opposite, and, advancing toward him, said: —

"Ferd, you and I can't both live in this community. You have threatened me." As Patterson sprung to his feet, Donahue shot him. Staggering to the street, he started towards the saloon where he had left his pistol, and was followed by Donahue, who continued to fire at him, and he fell dead across the threshold of the saloon, thus verifying in his own case the fatalistic belief of his class, "He died with his boots on."

The only incident of Patterson's trial worthy of note was the following: One of the attorneys who had been employed for a purpose disconnected with the management of the trial, insisted upon making an argument to the jury. This annoyed his colleagues, and disgusted Patterson's friends, but professional etiquette upon the part of the lawyers, and a certain indefinable delicacy from which even the worst of men are not wholly estranged, prevented all interference, and the advocate launched out into a speech of great length, filled with indiscreet assertions, slipshod arguments, and ridiculous appeals, at each of which, as they came up, one of the shrewder counsel for the defendant, seated beside his client, filled almost to bursting with indignation, would whisper in his ear the ominous words: —

"There goes another nail into your coffin, Ferd."

Wincing under these repeated admonitions, Patterson's eyes assumed their blood-drinking expression, and at last the mental strain becoming too great for longer composure, he exclaimed with a profane curse: —

"I wish it had been he, in the place of Old Pinkham."

Upon the trial of Donahue the jury failed to agree. He was remanded to prison, from which he afterwards escaped, fled to California, where he was rearrested, and released upon a writ of habeas corpus, by the strange decision that the provision of the Constitution of the United States requiring one State to deliver up a fugitive from justice to another claiming him, did not apply to Territories.

To certain of my readers, some explanation for detailing at such length the life of a ruffian and murderer may be necessary. Not so, however, to those familiar with mountain history. They would understand that both Patterson and Pinkham were noted and important members of frontier society, representative men, so to speak, of the classes to which they belonged. Their followers regarded them with a hero-worship which magnified their faults into virtues, and their acts into deeds of more than chivalric daring. Their pursuits, low, criminal, and degrading as they are esteemed in old settled communities, were among the leading occupations of life among the miners. Said one who had been for many years a resident of the Pacific slope, after spending a few weeks in the Atlantic States, "I can't stand this society. It is too strict. I must return to the land where every gambler is called a gentleman."

CHAPTER XVI.

EARLY DISCOVERIES OF GOLD.

First Discovery of Gold in Montana — The Stuart Brothers — Narrative of Granville Stuart — First Arrival of Emigrants from the Missouri River — Shooting of Arnett — Arrest of his Companions — Trial and Execution of Spillman —Exodus of Miners from Colorado — Difficulties — Crossing of Smith Fork of Bear River — Crossing of Snake River — Arrival at Lemhi — Discouragements — Consultation — The Party divides — Arrival of Woodmansee's Train with Provisions — Great Joy in the Camp.

Gold was first discovered in what is now known as Montana by Francois Findlay, better known as Be-net-see, a French half-breed, in 1852. He had been one of the early miners in California, having gone there from his home in the Red river country soon after Marshall's discovery. At this time, however, he was engaged in trapping for furs and trading with the Indians. While travelling along the border of Gold creek he was induced by certain indications to search

JAMES STUART,
Who set the first sluices in Montana.

for gold, which he found in the gravelly bed of the stream.

Intelligence of this discovery was given to a party of miners who were on their return from California to the States in 1857, and they immediately resolved to visit the creek and spend a winter there in prospecting. James and Granville Stuart and Resin Anderson, since known as prominent citizens of Montana, were of this party, and I insert here as an interesting bit of early history the narrative which Granville Stuart has since furnished of the discovery then made by them: —

"We," he writes, "accordingly wintered on the Big Hole river just above what is known as the Backbone, in company with Robert Dempsey, Jake Meeks, Robert Hereford, Thomas Adams, John W. Powell, John M. Jacobs, and a few others. In the spring of 1858 we went over into the Hell Gate valley, and prospected a little on Benetsee's or Gold creek. We got gold everywhere, in some instances as high as ten cents to the pan, but, having nothing to eat save what our rifles furnished us, and no tools to work with (Salt Lake City, nearly six hundred miles distant, being the nearest point at which they could be obtained), and as the accursed

Blackfeet Indians were continually stealing our horses, we soon quit prospecting in disgust without having found anything very rich, or done anything to enable us to form a reliable estimate of the richness of the mines.

"We then went out on the road near Fort Bridger, Utah Territory, where we remained until the fall of 1860. In the summer of that year a solitary individual named Henry Thomas, better known to the pioneers of Montana, however, as 'Gold Tom' or 'Tom Gold Digger,' who had been sluicing on the Pend d'Oreille river, came up to Gold creek and commenced prospecting. He finally hewed out two or three small sluice-boxes and commenced work on the creek up near the mountains. He made from one to two dollars a day in rather rough, coarse gold, some of the pieces weighing as high as two dollars.

"After spending a few weeks there, he concluded that he could find better diggings, and about the time that we returned to Deer Lodge (in 1860), he quit sluicing and went to prospecting all over the country. His favorite camping ground was about the Hot Springs, near where Helena now stands. He always maintained that that was a good mining region, saying that he had got better prospects there than on

GRANVILLE STUART,
Who set the first sluices in Montana.

Gold creek. He told me after 'Last Chance,' 'Grizzly,' 'Oro Fino,' and the other rich gulches of that vicinity had been struck, that he had prospected all about there, but it was not his luck to strike any of those big things.

"About the 29th of April, 1862, P. W. McAdow, who, in company with A. S. Blake and Dr. Atkinson (both citizens of Montana), had been prospecting with but limited success in a small ravine which empties into Pioneer creek, moved up to Gold creek and commenced prospecting about there. About the 10th of May they found diggings in what we afterwards called Pioneer creek. They got as high as twenty cents to the pan, and immediately began to prepare for extensive operations. At this time 'Tom Gold Digger' was prospecting on Cottonwood creek, a short distance above where the flourishing burgh of Deer Lodge City now stands, but finding nothing satisfactory, he soon moved down and opened a claim above those of McAdow & Co. In the meantime we had set twelve joints of 12 x 14 sluices, this being the first string of regular sluices ever set in the Rocky Mountains north of Colorado.

"On the 25th of June, 1862, news reached us that four steamboats had arrived at Fort Benton loaded with emigrants, provisions, and mining tools, and on the 29th Samuel T. Hauser, Frank Louthen, Jake Monthe, and a man named Ault, who were the advance guard of the pilgrims to report upon the country from personal observation, came into our camp. After prospecting on Gold creek for a few days, Hauser, Louthen, and Ault started for the Salmon river mines by way of the Bitter Root Valley. Jake Monthe, that harum-scarum Dutchman who wore the hat that General Lyon had on when he was killed in the battle of Wilson's creek, continued prospecting along Gold creek.

"Walter B. Dance and Colonel Hunkins arrived on the 10th of July, and on the 14th we had the first election ever held in the country. It was marked by great excitement, but nobody was hurt — except by whiskey.

"On the 15th, Jack Mendenhall, with several companions, arrived at Gold creek from Salt Lake City. They set out for the Salmon river mines, but having reached Lemhi, the site of a Mormon fort and the most northern settlement of the 'Saints,' they could proceed no farther in the direction of Florence, owing to the impassable condition of the roads, so they *cached* their wagons, packed their goods on the best conditioned of their oxen, and turned off for Gold creek. They lost their way and wandered about until nearly starved, when they fortunately found an Indian guide, who piloted them through to the diggings. On the 25th Hauser and his party, having failed to reach Florence, also returned nearly starved to death."

The leading men among this little band of pioneers were admirably qualified to grapple with the varied difficulties and dangers incident to their exposed situation. The brothers Stuart, Samuel T. Hauser, and Walter B. Dance were among the most enterprising and intelligent citizens of Montana, and to the direction which they, by their prudence and counsel, gave to public sentiment, when, with twenty or thirty others, they organized the first mining camp in what is now Montana, was the Territory afterwards indebted for the predominance of those principles which saved the people from the bloody rule of assassins, robbers, and wholesale murderers. They were men bred in the hard school of labor. They brought their business habits and maxims with them, and put them rigidly in practice. Having heard of the lawlessness which characterized the Salmon river camps, and of the expulsions which had taken place there, they were on the alert for every suspicious arrival from that direction.

On the 25th of August William Arnett, C. W. Spillman, and B. F. Jernigan arrived at Gold creek from Elk City. They opened the first gambling establishment in Montana and satisfied the good people of Gold creek before the close of their first day's residence that they were the advance guard of the outcasts of Salmon river. Victims flocked around them in encouraging numbers. The highway of villainy seemed to stretch out before them with flattering promise. Four days had elapsed since their arrival. The little society was fearfully demoralized, and whiskey and dice ruled the hour, when the Nemesis appeared. Two men, Fox and Bull, came in pursuit of the gamblers for horse-stealing. Stealing upon them while busy at play, the first notice the poor wretches had of their approach was to find themselves covered with double-barrelled guns which were instantly discharged. Arnett fell, riddled with bullets. Fox's gun missed fire. Jernigan threw up his hands, and he and Spillman were arrested without resistance. Arnett died with a death clutch of his cards in one hand and revolver in the other, and was so buried.

The next day Jernigan and Spillman were fairly tried by a jury of twenty-four miners. The former was acquitted, the latter sentenced to be hung, which sentence was executed in the afternoon of the following day. This was the first expression of Vigilante justice in that portion of the North-West which afterwards became Montana. Mr. Stuart says, "Spillman was either a man of a lion heart or a hardened villain, for he died absolutely fearless. After receiving his sentence, he wrote a letter to his father with a firm, bold hand that never trembled, and walked to his death as unto a bridal."

The news of the discovery of the Oro Fino and Florence mines was received at Denver in the winter of 1861–62, and caused a perfect fever of excitement. Colonel McLean, Washington Stapleton, Dr. Glick, Dr. Levitt, Major Brookie, H. P. A. Smith, Judge Clancy, Edward Bissell, Columbus Post, Mark Post, and others, all left early in the spring, taking the route by the overland road, from which they intended to diverge into the northern wilderness at some point near Fort Bridger. Another party, under the leadership of Captain Jack Russell, left soon after, going by the way of the Sweetwater trail, South Pass, and the Bridger cut-off.

My readers who have never seen the plains, rivers, cañons, rocks, and mountains of the portion of our country travelled by these companies, can form but a faint idea from any description given by them of the innumerable and formidable difficulties with which every mile of this weary march was encumbered. History has assigned a foremost place among its glorified deeds to the passage of the Alps by Napoleon, and to the long and discouraging march of the French army under the same great conqueror to Russia. If it be not invidious to compare small things with great, we may assuredly claim for these early pioneers greater conquests over nature on their journey through the north-western wilderness than were made by either of the great military expeditions of Napoleon. In addition to natural obstacles equally formidable and of continual occurrence for more than a thousand miles, their route lay through an unexplored region, beset by hostile Indians, bristling with mountain peaks, pierced with large streams, and unmarked with a single line of civilization. Their cattle and horses were obliged to subsist upon the scanty herbage which put forth in early spring. Swollen by the melting snows of the mountains, the streams, fordable in midsummer, could now only be crossed by boats, and frequently the passage of a single creek consumed a week of time. Seeking for passes around and through the ranges, ascending them when no such conveniences could be found, passing through cañons, and clambering rocks, filled the path of empire through western America with discouragement and disaster.

Several of these companies were obliged to wait the subsidence of the waters at the crossing of Smith's fork of Bear river. While thus delayed, more than an hundred teams, comprising three or four trains, all bound for the new gold regions, arrived. Some of the companies were composed entirely of "pilgrims," a designation given by mountain people to new comers from the States. Michaud Le Clair, a French fur-trader and mountaineer of forty years' experience, had, in company with two others, built a toll bridge across the fork in anticipation of a large spring emigration; but a party arriving in advance of this present crowd, exasperated at the depth of the mud at the end of the bridge, burned it. Russell proposed to build another, but the pilgrims, having no faith in his skill, refused to assist. Russell completed the job on his own account, and charged the pilgrims one dollar each for crossing, and then offered to release his interest in the bridge for twenty-five dollars. Le Clair, thinking that Russell would go on with his company, refused the offer. Russell, Brown, and Warner sent their train ahead, remaining at the bridge to receive tolls. Several trains passed during the two succeeding days, greatly to the annoyance of Le Clair and his comrades. They attempted to retaliate by cutting the lariats of the horses while tethered for the night; and when they found that the animals did not stray far from camp, they sent the savages down to frighten Russell and his men. But they were old mountaineers, and felt no alarm. On the third day a much larger number of wagons crossed than on both the preceding days. The Frenchmen, tired of expedients, and satisfied that money could be made by paying Russell the price he demanded for the bridge, sent for him, and, after considerable negotiation, gave him the twenty-five dollars and a silver watch. The bridge temporarily erected by Russell was used as a toll bridge the following year, but it required very careful usage to prevent it from falling to pieces. The proprietors, fearful of accident, finally posted up the following placard, as a warning to travellers that heavily laden wagons would not be permitted to meet upon the bridge: —

NOTIS.

No Vehacle draWn by moaR than one anamile is alloud to croS this BRidg in oPposit direxions at the sam Time.

Le Clair also advised him against a prosecution of his journey to the Salmon river region, assuring him that from long familiarity with the country, he knew he could not complete it in safety. The season was too far advanced and the streams were higher than usual. He then told him as a secret that there was gold at Deer Lodge and on the Beaverhead. The Indians had often found it there, and if gold was his object, he could find no better country than either of these localities for prospecting.

"I have been," said he, "boy and man, forty years in this region, and there is no part of it that I have not often visited. You will find my advice correct."

Russell placed great confidence in what Le Clair said. Hastening on, he overtook his companions, and they proceeded to Snake river near Fort Hall, an old post of the North-western Fur Company. Here they fell in with McLean's train, which, as we have seen, left Denver a few days before they did, and travelled by another route. One of this latter company, Columbus Post, was drowned while attempting to cross the river in a poorly constructed boat, made out of a wagon-box. Russell found an old ferry-boat near the fort, which the men repaired to answer the purpose of crossing their trains, and they proceeded on through the dreary desert of mountains and rock in the direction of the Salmon river. Superadded to the difficulties of travelling over a rough volcanic region, they were now, for successive days, until they left the valley of the Snake, attacked by the Bannack Indians, and their horses were nightly exposed to capture by them. After many days of adventurous travel, the whole party, with a great number of pilgrims, arrived in safety at Fort Lemhi. Here they found themselves hemmed in by the Salmon river range, a lofty escarpment of ridges and rocks presenting an insurmountable barrier to further progress with wagons. They had yet to go several hundred miles before reaching the gold regions. A large number, more than a thousand in all, were now congregated in this desolate basin. They at once set to work to manufacture pack-saddles and other gear necessary to the completion of their journey. As time wore on, the prospect of being able to do so before cold weather set in became daily more discouraging. At length a meeting was called to consider the situation of affairs, and if possible, to devise and adopt measures of relief.

Russell repeated to the assemblage the information he had received from Le Clair, expressing his belief that it was true, and recommended as a choice of evils that they should turn aside, and go to Deer Lodge and Beaverhead, rather than attempt a journey down the Salmon to the Florence mines, through a country of which their best information was disheartening in the extreme. Several members of the Colorado companies spoke of having seen letters from James and Granville Stuart in which the discovery of promising gold placers in Deer Lodge was mentioned; but the pilgrims thought the information too indefinite, and concluded to risk the journey down the river. The Colorado men, most of whom were experienced miners, determined at once to retrace their way to Deer Lodge and Beaverhead, and risk the chance of making new discoveries, if the information given by the Stuarts and Le Clair should not prove true. At the crossing of the Beaverhead, Russell found five cents in gold to the pan, and picked up pieces of quartz containing free gold.

In the meantime, John White and a small party of prospectors had discovered the gold placer in the cañon of Grasshopper creek which afterwards became Bannack. When the companies of McLean and Russell arrived there, their stock of provisions was nearly exhausted. They went to Deer Lodge, hoping to find a more promising field, and some of them visited the placers on Gold creek, Pioneer, and at Pike's Peak Gulch, none of which were equal in richness and extent to the one they had left behind them. They returned to Grasshopper. No provisions having arrived in the country, most of them decided to attempt a return to Salt Lake City. The chance of making a journey of four hundred miles to the nearest Mormon settlements was preferable to starvation in this desolate region. They could but die in the effort, and might succeed. After they had started on this Utopian journey, Russell mounted his horse, followed them, and persuaded them to return. They then set to work in good earnest and found gold in abundance; but, with the fortune of Midas, as their scanty supply of food lessened daily, they feared soon to share his fate also, and have nothing but gold to eat. Just at this crisis, however, their Pactolus appeared in the shape of a large train of provisions belonging to Mr. Woodmansee, and all fear of starvation vanished. The step between the extremes of misery and happiness was, in this case, very short. The camp was hilarious with joy and mirth.

Upon the opening of spring, Russell left on his return to Colorado, where he arrived in safety after encountering dangers enough to fill a moderate volume. For two days, while passing through Marsh valley, he was pursued by Indians, barely escaping being shot and scalped. His courage was often put to the strongest tests. At Wood river, twenty miles from Fort Lemhi, the Bannack Indians offered him money in large amounts for fire-arms and ammunition. They stole a pistol from him. Accompanied by one Gibson, he went to their camp and recovered it. Some of them were dressed in the apparel of women whom they had murdered, and whose bodies they had concealed in the fissures of the lava-beds on Snake river. More than two hundred emigrants had been killed by these wretches the preceding summer.

Russell exhibited specimens of the gold taken from the "Grasshopper diggings," to his friends in Colorado. The excitement it occasioned was intense, and when the spring of 1863 opened, large numbers left for the new and promising El Dorado.

In the fall of 1862 there stood, on the bank at the confluence of Rattlesnake creek and the Beaverhead river, a sign-post with a rough-hewn board nailed across the top, with the following intelligence daubed with wagon-tar thereon:—

Tu grass Hop Per digins
30 myle
☞kepe the Trale nex the bluffe

On the other side of the board was the following:—

Tu jonni grants
one Hunred & twenti myle.

The "grass Hop Per digins" are at the town of Bannack; and the city of Deer Lodge is built on "jonni grants" ranche.

CHAPTER XVII.

CAPTAIN FISK'S EXPEDITION.

Northern Overland Expedition — Journey from St. Paul to Fort Benton — Arrival in Prickly Pear Valley — High Price of Provisions — Threatened Destitution — Trip of the Writer to Pike's Peak Gulch — Night Camp — Storm — Blackfeet Indians — Critical Situation — Providential Escape — Arrival at Pike's Peak Gulch — Disappointment — Journey to Grasshopper Diggings.

While the little community at Bannack were snugly housed for the winter, anxiously awaiting the return of warm weather to favor a resumption of labor in the gulch, numerous companies were in progress of organization in the States, intending to avail themselves of the same seasonable change to start upon the long and adventurous journey to Salmon river. The fame of Bannack and Deer Lodge had not yet reached them. In the summer of 1862 an expedition under the direction of the Government was planned in Minnesota for the ostensible purpose of opening a wagon road between St. Paul and Fort Benton, to connect at the latter point with the military road opened a few years before by Captain John Mullen from Fort Benton to Walla Walla. This route of nearly two thousand miles lay for most of the distance through a partially explored region, filled with numerous bands of the hostile Sioux and Blackfeet. Government had grudgingly appropriated the meagre sum of five thousand dollars in aid of the enterprise, which was not sufficient to pay a competent guard for the protection of the company. The quasi-governmental character of the expedition, however, with the inducement superadded that it would visit the Salmon river mines, soon caused a large number of emigrants to join it.

The Northern Overland Expedition, as it was called, left St. Paul on the 16th of June, 1862. It was confided to the leadership of Captain James L. Fisk, whose previous frontier experience and unquestioned personal courage admirably fitted him for the command of an expedition which owed so much of its final success, as well as its safety during a hazardous journey through a region occupied by hostile Indians, to the vigilance and discipline of its commanding officer. His first assistant was E. H. Burritt, and second

CAPTAIN JAMES L. FISK,
Commander of Northern Overland Expedition.

assistant, the writer; Samuel R. Bond, secretary, David Charlton, engineer, Dr. W. D. Dibb, surgeon, and Robert C. Knox, wagon master. About forty men were selected from the company, who agreed, for their subsistence, to serve as guards during the journey. One hundred and twenty-five emigrants accompanied the expedition to Prickly Pear Valley. This band was thoroughly organized, and ready at all times for instant service while passing through Indian country. Fort Abercrombie, Devil's Lake, Fort Union, and Milk river were designated points of the route, and it was generally understood that the company should pursue as nearly as possible the trail of the exploring expedition under command of Governor Isaac I. Stevens in 1853.

All the streams not fordable on the entire route were bridged by the company and many formidable obstacles removed. The company arrived without accident, after a tedious but not uninteresting trip, in Prickly Pear Valley on the 21st day of September. It was the largest single party that went to the Northern mines in 1862. About one-half of the number remained in the Prickly Pear Valley, locating upon the creek where Montana City now stands. The remainder accompanied Captain Fisk to Walla Walla. All who were officially connected with the expedition, except Mr. Knox and the writer, returned by way of the Pacific ocean and the Isthmus to Washington.

Gold had been found on Prickly Pear creek a short time before the arrival of our company. "Tom Gold Digger," or "Gold Tom," had pitched his lodge at the mouth of the cañon above our location and was "panning out" small quantities of gold. The placer was very difficult of development and the yield small. Winter was near at hand. Many of the party who had left home for Salmon river, where they had been assured profitable employment could be readily obtained, now found themselves five hundred miles from their destination with cattle too much exhausted to attempt the journey, in the midst of a wilderness nearly destitute of provisions, and with no chance of obtaining any, nearer than Salt Lake City, four hundred miles away, from which they were separated by a region of mountainous country, rendered impassable by deep snows and beset for the entire distance by hostile Indians. Starvation seemingly stared them in the face. Disheartening as the prospect was, all felt that it would not do to give way to discouragement. A few traders had followed the tide of emigration from Colorado with a limited supply of the bare necessaries of life, risking the dangers of Indian attack by the way, to obtain large profits and prompt pay as a rightful reward for their temerity. Regarding their little stock as their only resource, the company set to work at once, each man for himself, to obtain means to buy with. Prices were enormous. The placer was still unpromising. Frost and snow had actually come. With a small pack supplied from the remains of their almost exhausted larders, the men started out, some on foot, and some bestride their worn-out animals, into the bleak mountain wilderness in pursuit of gold. With the certainty of death in its most horrid form if they fell into the clutches of a band of prowling Blackfeet, and the thought uppermost in their minds that they could scarcely escape freezing, surely the hope which sustained this little band of wanderers lacked none of those grand elements which sustained the early settlers of our country in their days of disaster and suffering. Men who cavil with Providence, and attribute the escape of a company of half-starved, destitute men from massacre, starvation, and freezing, under circumstances like these, to luck or chance or accident, are either destitute of gratitude or have never been overtaken by calamity. Yet these men all survived to tell the tale of their bitter experience.

My recollection of those gloomy days, all the more vivid, perhaps, because I was among the indigent ones, was emphasized by a little incident I can never recall without a devout feeling of thankfulness. Intelligence was brought us that a company of miners was working the bottom of a creek in Pike's Peak Gulch, a distance of sixty miles from the Prickly Pear camp over the Rocky Mountain range. Cornelius Bray, Patrick Dougherty, and I started immediately on a horseback trip to the new camp in search of employment for the winter. One pack-horse served to transport our blankets and provisions. Our intention was to cross the main range on the first day and camp at the head of Summit creek, where there was good grass and water. In following the Mullen road through the cañon, when about two miles from the ridge, Bray's horse gave out and resisted all our efforts to urge him farther. There was no alternative but to camp. The spot was unpromising enough. There was no feed for our horses, and our camp by the roadside could not escape the notice of any band of

Indians that might chance to be crossing the range. It was the custom in this Indian country for packers and others to seek some secluded spot half a mile or more from the trail for camping purposes; but here we were cooped up in a cañon not ten rods wide, and the only practicable pass over the range running directly through it. Of course we all mentally hoped that no Indians would appear.

I had, while at Fort Benton, held frequent conversations with Mr. Dawson, the factor at that post, who had spent many years in the country, and was perfectly familiar with the manners and tactics of the Indians. He had warned me against just such an exposure as that to which we were now liable, and when night came, knowing that the country was full of roving bands of Bloods and Piegans, I felt no little solicitude for a happy issue out of danger. Evening was just setting in, when snow began to fall in damp, heavy flakes, giving promise of a most uncomfortable night. Our only shelter was a clump of bushes on the summit of a knoll, where we spread our blankets, first carefully picketing the four horses with long lariats to a single pin, so that in case of difficulty they could all be controlled by one person. Dougherty proposed to stand guard until midnight, when I was to relieve him and remain until we resumed our trip at early dawn. Bray and I crept into our blankets, they and the bushes being our only protection against a very heavy mountain snow-storm. Strange as it may seem to those unfamiliar with border life, we soon fell asleep and slept sound until I was aroused by Dougherty to take my turn at the watch. I crawled from under the blankets, which were covered to the depth of five inches with "the beautiful snow," and Dougherty fairly burrowed into the warm place I had left.

About three o'clock in the morning the horses became uneasy for want of food. Preparatory to an early departure I gathered in a large heap a number of small, fallen pines and soon had an immense fire. It lighted up the cañon with a lurid gloom and mantled the snow-covered trees with a ghastly radiance. The black smoke of the burning pitch rolled in clouds through the atmosphere, which seemed to be choked with the myriad snow-flakes. So dense was the storm I could scarcely discern the horses, which stood but a few rods distant. Wading through the snow to the spot where my companions slept, I roused them from their slumbers. I could liken them to nothing but spectres as they burst through their snowy covering and stood half-revealed in the bushes by the light of the blazing pines. It was a scene for an artist. Despite the gloomy forebodings which had filled my mind, at this scene I burst into a fit of loud and irrepressible laughter.

It was but for a moment, for, as if in answer to it, the counterfeited neigh of a horse a few rods below and of another just above me, warned me that the danger I had feared was already upon us. It was the signal and reply of the Indians. Bray and Dougherty grasped their guns, while I rushed to the picket pin, and, seizing the four lariats, pulled in the horses. A moment afterwards, and from behind a thicket of willows just above our camp, there dashed down the cañon in full gallop forty or more of the dreaded Blackfeet. In the light of that dismal fire their appearance was horribly picturesque. Their faces hideous with war paint, their long ebon hair floating to the wind, their heads adorned with bald-eagle's feathers, and their knees and elbows daintily tricked out with strips of antelope skin and white feathery skunks' tails, they seemed like a troop of demons which had just sprung out of the earth, rather than beings of flesh and blood. Each man held a gun in his right hand, guiding his horse with the left. Well-filled quivers and bows were fastened to their shoulders, and close behind the main troop, driven by five or six outriders, followed a herd of fifty or more horses they had just stolen from a company of miners on their way to the Bannack mines, and who had encamped for the night at Deer Lodge. These animals were driven hurriedly by our camp, down the cañon, the main troop, meantime, forming into line on the other side of them so as to present an unbroken front of horsemen after they had passed, drawn up for attack. This critical moment we improved by rapidly looping the lariats into the mouths of our horses and bringing our guns to an aim from behind them over their fore-shoulders. As we stood thus, not twenty yards asunder, confronting each other, the chief, evidently surprised that the onslaught lingered, rode hurriedly along the front of his men and with violent gesticulations and much vehement jargon urged them to an instant assault. They strongly expostulated, and by numerous antics and utterances, which I afterwards ascertained meant that their guns were wet and their caps useless, finally persuaded him to resort to the bows and arrows. The chief was very angry, and from the violence of his gestures and threatening manner I expected to see several of the Indians knocked off their horses. When the Indians, in obedience to his command, hung their guns on the pommels of their saddles, and drew their bows, the attack seemed inevitable. Our guns were dry, and we knew that they were good for twenty-four shots and the revolvers in our belts for as many more.

Satisfied that an open attack would eventuate in death to some of their number, nearly one-half of the Indians left the ranks and passed from our sight down the cañon, but soon reappeared, emerging from the thicket on the opposite side of our camp. We wheeled our four horses into a hollow square, and, standing in the centre, presented our guns at each assaulting party. As our horses were the booty they most wished to obtain, they were now restrained lest they should kill them instead of us. A few moments of painful suspense — moments into which days of anxiety were crowded — supervened. A brief consultation followed, and the chief gave orders for them to withdraw. They all wheeled into rapid line, and with the military precision of a troop of cavalry dashed down the cañon and we saw them no more.

Thankful for an escape attributable to the snow which had unfitted their guns for use, and to the successful raid they had made upon our neighbors, we saddled our horses and hurried over the mountain range with all possible speed. While crossing, we found two horses which, jaded with travel, had been abandoned by the Indians. We took them with us, and on our arrival at Grasshopper some days after, restored one to Dr. Glick, its rightful owner.

"I have had seven horses stolen from me by these prowlers," said he, "but this is the first one that was ever returned."

The little gulch at Pike's Peak was fully occupied when we arrived, and after remaining a few days, we mounted our horses and made a tedious but unadventurous journey to Bannack, then, and for nearly a year afterwards, the most important gold placer east of the Rocky Mountains.

The fame of this locality had reached Salmon river late in the fall of 1862, and many of the people left the Florence mines for the east side. Among them came the first irruption of robbers, gamblers, and horse-thieves, and the settlement was filled with gambling houses and saloons, where bad men and worse women held constant vigil, and initiated that reign of infamy which nothing but the strong hand could extirpate.

CHAPTER XVIII.

BANNACK IN 1862.

PLUMMER'S SUPPOSED ATTEMPT AT REFORM — DREAD OF CLEVELAND — CLEVELAND SUSPECTED OF EVANS'S MURDER — HIS CONDUCT AT GOODRICH'S HOTEL — PLUMMER'S INTERFERENCE — SHOOTS CLEVELAND — GEORGE IVES AND CHARLEY REEVES APPEAR — HANK CRAWFORD AND HARRY PHLEGER TAKE CLEVELAND AWAY — CLEVELAND'S DEATH — PLUMMER'S INTERVIEW WITH CRAWFORD — QUARREL BETWEEN IVES AND CARRHART — RECONCILIATION — HOW EMIGRANTS SPENT THE WINTER — J. M. CASTNER — ATTACK OF MOORE AND REEVES UPON THE INDIANS — KILLING A CHIEF AND A PAPPOOSE — SHOOTING OF CAZETTE.

IT is charitable to believe that Henry Plummer came to Bannack intending to reform, and live an honest and useful life. His deportment justified that opinion. His criminal career was known only to two or three persons as criminal as himself. If he could have been relieved of the fear of exposure and of the necessity of associating with his old comrades in crime, it is not improbable that his better nature would have triumphed.

He possessed great executive ability — a power over men that was remarkable, a fine person, polished address, and prescient knowledge of his fellows — all of which were mellowed by the advantages of a good early education. With all the concerns of a mining camp experience had made him familiar, and for some weeks after his arrival in Bannack he was oftener applied to for counsel and advice than any other resident. Cool and dispassionate, he evinced on these occasions a power of analysis that seldom failed of conviction. He speedily became a general favorite. We can better imagine than describe the mixed nature of those feelings, which, fired with ambitious designs and virtuous purposes, beheld the way to their fulfilment darkened by a retrospect of unparalleled atrocity. So true it is that the worst men are the last to admit to themselves the magnitude of their offences, that even Plummer, stained with the guilt of repeated murders and seductions, a very monster of iniquity, believed that his restoration to the pursuits and honors of virtuous association could be established but for a possible exposure by some of his guilty partners. He knew their watchful eyes were upon him; that they were ready to follow him as leader or crush him as a traitor.

Of no one was he in greater dread than his sworn enemy, Cleveland. This man, who made no secret of his own guilty purposes, had frequently uttered threats against the life of Plummer, and never lost an opportunity publicly to denounce him. Their feud was irreconcilable. Cleveland had incurred suspicion as the murderer of a young man by the name of George Evans, and was regarded generally as a desperado of the vilest character. It was no credit to Plummer that he came in his company to Bannack. But their previous criminal connection was as yet unrevealed.

A few days after the disappearance of Evans, a number of citizens were seated and in general conversation around the fire in a saloon kept by Mr. Goodrich. Among the number were Plummer, Jeff Perkins, and Moore. Suddenly the door was violently opened and Cleveland entered. With an air of assumed authority he proclaimed himself "chief," adding with an oath that he knew all the scoundrels from the "other side" and intended to get even with some of them. The covert threat which these words revealed did not escape the notice of Plummer, but Cleveland upon the instant charged Perkins with having violated a promise to pay some money which he owed him in the lower country. Perkins assured him it had been paid. "If it has," said Cleveland, "it is all right," but as if to signify his distrust of Perkins's statement, he commenced handling his pistol and reiterating the charges. To prevent Cleveland from carrying his apparent design of shooting Perkins into execution, Plummer fixed his eyes sternly upon him and in a calm tone told him to behave himself, that Perkins had paid the debt and he ought to be satisfied.

Quiet was restored for the moment and Perkins slipped off, intending to return with his pistols and shoot Cleveland on sight. Here the difficulty would have ended had not Cleveland, in an evil moment, in a defiant and threatening manner, with mingled profanity and epithet, declared that he did not fear any of them. Filled with rage, Plummer sprang to his feet, drew his pistol, and exclaiming, "I am tired of this," followed up the expression with a couple of rapid shots, the last of which struck Cleveland below the belt. He fell on his knees. Grasping wildly for his pistol, he appealed to Plummer not to shoot him while he was down. "No," said Plummer, whose blood was now up; "get up." Cleveland staggered to his feet, only to receive two more shots, the second of which entered below the eye. He fell to the floor, and Plummer, sheathing his pistol, turned to leave the saloon. At the door he was met by George Ives and Charley Reeves, each of whom, pistol in hand, was coming to take part in the affray. Each seizing an arm, they escorted Plummer down the street, meanwhile suggesting with great expletive emphasis a variety of surmises as to the possible effect of the quarrel upon the public.

Hank Crawford and Harry Phleger, two respectable citizens, hastened to the aid of the dying desperado, whom they conveyed to Crawford's lodgings. His bed being poorly furnished Cleveland sent him to Plummer's to get a pair of blankets belonging to him. The interview between Crawford and Plummer on this occasion showed that the mind of the latter was ill at ease. Like Macbeth's dread of Banquo, so he felt that, while Cleveland lived, —

> "There is none but he
> Whose being I do fear; and under him
> My genius is rebuk'd."

In the brief colloquy which took place between them, Plummer asked Crawford no less than three times what Jack had said about him. His past career of crime was all before him. Crawford as often replied, "Nothing."

"'Tis well he did not," at length responded Plummer, "for if he had I would kill him in his bed."

Crawford then told him that, in reply to several questions asked him, Cleveland had said: —

"Poor Jack has got no friends. He has got it" (meaning his death-wound), "and I guess he can stand it."

Crawford left with the impression that Plummer still thought Cleveland had exposed him, and was careful afterwards to go armed, as he felt that his own life was in danger. Cleveland lingered in great agony for three hours, and was decently buried by Crawford. Soon after he had been removed to Crawford's cabin, Plummer sent a man known as "Dock," a cook, into the cabin as a spy, where he remained until Cleveland died. He said that the only reply Phleger received to repeated questions concerning the difficulty between him and Plummer was, "It makes no difference to you." The secret, if secret there was, died with him.

No immediate investigation was made of the circumstances of this affray. It was thought by many that Plummer merely anticipated Cleveland's intention by firing first. Shooting of pistols and duelling were so common as of themselves to excite no attention. Many bloody encounters took place of which no record has been preserved, and which at the time, were regarded as very proper settlements of difficulties between the parties.

A few incidents as illustrative of the customs of a mining-camp will not be out of place in this immediate connection. On one occasion during the winter a quarrel sprung up between George Ives and George Carrhart in the main street. After a long wordy war interlarded with much profanity and various opprobrious epithets, Ives ran into a saloon near for his pistol, exclaiming, "I will shoot you." Carrhart followed him and both reappeared at the door of the saloon a moment thereafter, each armed with a revolver. Facing each other upon the instant, both parties raised their pistols and fired without effect. After a second fire with no better effect, both parties walked rapidly backwards till they were widely separated, at the same time firing upon each other. Ives having emptied his revolver, stood perfectly still while Carrhart took deliberate aim and shot him in the groin, the ball passing through his body, inflicting a severe wound.

Soon afterwards they reconciled their difficulties, and Ives lived with Carrhart on his ranche the remainder of the winter.

Many of the early emigrants arrived at Bannack so late in the fall that they could provide themselves with no better shelter from the weather during the winter than was afforded by their wagons. Of this number were Dr. Biddle and his wife, Mr. and Mrs. Short, and their hired man from Minnesota. While seated around their camp fire one dismal afternoon, engaged in conversation with Mr. J. M. Castner, a bullet whizzed so near the ear of Castner that he felt its sting for several days. Castner ascertained that it was fired by one Cy. Skinner, a rough, who excused himself with the plea that he thought they were Indians, and by way of amends invited Dr. Biddle and Castner to drink with him. Castner had the good taste to decline.

The very composition of the society of Bannack at the time was such as to excite suspicion in all minds. Outside of their immediate acquaintances, men knew not whom to trust. They were in the midst of a people which had come from all parts of this country and from many of the nations of the Old World. Laws which could not be executed were no better than none. A people, however disposed to the preservation of order and punishment of crimes, was powerless for either so long as every man distrusted his neighbor. The robbers, united by a bond of sympathetic atrocity, assumed the right to control the affairs of the camp by the bloody code. No one was safe. The miner fortunate enough to accumulate a few thousands, the merchant whose business gave evidence of success, the saloon-keeper whose patronage was supposed to be productive, were all marked as victims by these lawless adventurers. If one of them needed clothing, ammunition, or food, he obtained it on a credit which no one dared refuse, and settled it by threatening to shoot the person bold enough to ask for payment. Such a condition of society, as all foresaw, must sooner or later terminate in disaster to the lovers of law and order or to the villains who depredated upon them. Which were the stronger? The roughs knew their power, but their antagonists, separately hedged about by suspicion as indiscriminate as it was inflexible, knew not how to establish confidence in each other upon which to base an effective opposition. Meantime the carnival of crime was progressing. Scarcely a day passed unsignalized by outrage or murder. The numerous tenants of the little grave-yard had all died by violence. People walked the streets in fear.

This suspense was at last broken by a murder of unprovoked, heartless atrocity, which the people felt it would be more criminal in them to overlook than it was in the perpetrators to commit. In January, 1863, that notorious scoundrel, Charley Reeves, bought a squaw from the Sheep Eater tribe of Bannacks. She soon fled from him to her friends to escape his abuse. The tepee was located on an elevation south of that portion of the town known as "Yankee Flat," a few rods in rear of the street. Reeves went after her. Finding her deaf to persuasion, he employed violence to force her return to his camp. An old chief interfered and thrust Reeves unceremoniously from the tepee. Burning with resentment, Reeves and Moore fired into the tepee the next evening, wounding one of the Indians. They then returned to town, where they were joined by William Mitchell, with whom they countermarched, each firing into the tepee, and this time killing the old chief, a lame Indian, a pappoose, and a Frenchman by the name of Cazette, who had come to the tepee to learn the cause of the first shot. Two other persons who had been influenced by similar curiosity were badly wounded. When the murderers were afterwards told that they had killed white men, Moore with a profusion of profane appellations said "they had no business there."

CHAPTER XIX.

MOORE AND REEVES.

Moore and Reeves flee — Mass Meeting of Citizens — They are arrested — Trial and Acquittal of Plummer for killing Cleveland — Mode of Trial — Incident at Blackfoot — Trial of Moore and Reeves — Incidents of the Trial — Sentenced to Banishment — Banishment and Return of Mitchell.

Alarmed at the indignation which this brutal deed had enkindled in the community, Moore and Reeves, at a late hour the same night, fled on foot in the direction of Rattlesnake. They were preceded by Plummer, who it was supposed had gone to provide means for their protection. He, however, afterwards asserted that he left through fear that in the momentary excitement the people would hang him for shooting Cleveland.

A mass meeting of the citizens was held the next morning, and a cordon of guards appointed to prevent the escape of the ruffians. When it was discovered that they had gone, on a call for volunteers to pursue them, Messrs. Lear, Higgins, Rockwell, and Davenport immediately followed on their track. The weather was intensely cold. The route of the pursuers lay over a lofty mountain covered with snow to a great depth. After riding as rapidly as possible, they came up with the fugitives at a distance of twelve miles from town. They had taken refuge in a dense thicket of willows on the bank of the Rattlesnake. Being challenged to surrender, they peremptorily refused. Pointing their pistols with well-directed aim at the approaching party, and interlarding their discourse with a flood of oaths, they ordered them to advance no farther on peril of their lives. The advantage was on the side of the robbers, and they could easily have shot down every one of their pursuers. A parley ensued. The position of both parties was fully discussed. The conviction that it was equally impossible for the pursuers to effect a capture, and for the ruffians to escape such a pursuit as would be made if they did not return, induced the latter to agree to a surrender, upon the express condition that they should be tried by a jury. The pursuing party gave a ready assent to this arrangement, and the fugitives returned in their custody to town.

Plummer was put upon his trial immediately. While that was progressing a messenger was sent to Godfrey's Cañon, ten miles distant, to summon Mr. Godfrey and the writer, who, with others, were erecting a saw-mill there. Before their arrival at midnight, Plummer was acquitted, no doubt being entertained, on presentation of the evidence, that he had killed Cleveland in self-defence. Several witnesses testified that they had on various occasions heard Cleveland threaten to shoot Plummer on sight.

At a late hour the people separated with the purpose of assembling for the trial of Moore, Reeves, and Mitchell early the next morning. Day broke clear and cold. All work was suspended in the gulch, stores and hotels were abandoned, and the entire population, numbering at least four hundred persons, assembled in and about the large log building which had been designated as the place of trial. Every man was armed, some with rifles and shot-guns, others with pistols and knives. The friends of the prisoners gave free utterance to threats, which they accompanied with much profane assumption of superior power and many defiant demonstrations. Pistols were flourished and discharged, oaths and epithets freely bestowed upon the citizens, and whatever vehemence of gesture and expression could do to intimidate the people, was adopted. Amid all this bluster it was apparent from the first that the current of popular opinion set strongly against the prisoners. There was an air of quiet determination manifested in every movement preparatory for the trial. The citizens were ready for an outbreak, and the least indication in that direction would have been the signal for a bloody and decisive battle. It is not improbable that an attempt at rescue was prevented by the presence of the overpowering force of armed and indignant citizens.

The efforts of the roughs to suppress the trial only increased the indignation of the people, and after electing a temporary chairman, a motion was made that the accused be tried by a miners' court. This form of tribunal grew out of the necessities of mining life in the mountains. It originated in the early days of California, when the country was destitute of courts and law, and still exists in inchoate mining communities as a witness to the fairness and honesty of American character. It is now the general custom among the property holders of a mining camp, as the first step towards organization, to elect a president or judge, who is to act as the judicial officer of the district. He has both civil and criminal jurisdiction. All questions affecting the rights of property, and all infractions of the peace, are tried before him. When complaint is made to him, it is his duty to appoint the time and place of trial in written notices which contain a brief statement of the matter in controversy, and are posted in conspicuous places throughout the camp. The miners assemble in force to attend the trial. The witnesses are examined, either by attorneys or by the parties interested, and when the evidence is closed the judge states the question at issue, desiring all in favor of the plaintiff to separate from the crowd in attendance until they can be counted, or to signify by a vote of "aye" their approval of his claim. The same forms are observed in the decision of a criminal case. The decision is announced by the judge and entered upon his record. Where the punishment is death, the criminal is generally allowed one hour to arrange his business and prepare for death; when it is banishment, a few hours are given him to leave the camp. If he neglects to comply with the sentence he is in danger of being summarily executed. Where the rights of parties are settled by the court, and the defeated party shows any resistance to the decision, it is the duty of the court, if necessary, with the strong hand to enforce it. The court is composed of the entire population. To guard against mistakes, the party in defeat, in all cases, has the right to demand a second vote.

The progress of a trial in one of these courts is entirely practical. Often the miners announce at the commencement that the court must close at a certain hour. Cross-examinations are generally prohibited, and if lawyers are employed, it is with the understanding that they shall make no long arguments. Each party and their respective witnesses give their evidence in a plain, straightforward manner, and if any of the listeners desire information on a given point in the testimony they request the person acting as attorney to ask such questions as are necessary to obtain it. The decisions of these tribunals are seldom wrong, and always enforced in good faith. They have many advantages in mining regions over courts at law. None of the tedious incidents of pleading, adjournment, amendment, demurrer, etc., which at law so often consume the time of litigants and put them to unnecessary expense, belong to a miners' court.

The miners themselves have little time to spare, and hence these courts are held on Sunday in all cases where the exigency is not immediate. They are held in the open air. Whenever, from any seemingly unnecessary cause, their investigations are prolonged, as by argumentative display, there are always those present who, by the command "Dry up," "No spread-eagle talk," force them to a close.

On one occasion at Blackfoot, in Montana, a rough was on trial for crimes which endangered his life. A motion had been made by his counsel that his life be spared on condition that he would leave the gulch in fifteen minutes,— which motion was carried by a small majority. In anticipation of this favorable result his friends had provided a mule to expedite his departure. The presiding miners' judge announced to him the condition of his freedom from death. Fearful that a reconsideration might be demanded, the moment he was released he vaulted into the saddle, and looking around upon the crowd exclaimed, "Fifteen minutes!! Gentlemen, if this mule doesn't buck, five will do!" and lashing the sides of the animal he disappeared at double-quick amid the shouts and laughter of the crowd.

It was a trial by this court that the murderers dreaded, and to escape which they made a trial by jury the condition of their surrender. When the motion was made to substitute the miners' court it fell into their midst like a thunderbolt. They regarded a trial by the mass as certain of conviction as a trial by jury would be of acquittal, not because the latter would be any less likely than the former to perceive their guilt, but because fear of personal consequences would prevent them from declaring it. Men whose identity was lost in a crowd would do that which, if they were known, would mark them as victims for future assassination. The friends of the prisoners showed the estimation in which they regarded this consideration when they openly threatened with death every individual who participated in the trial. They anticipated that, as none would dare in defiance of this threat to act upon a jury, all proceedings would be suppressed, thus renewing the license for their continued depredations.

The statement of the motion by the chairman was the signal for a violent commotion among the roughs. One long howl of profanity, mingled with the most diabolical threats and repeated discharge of pistols, filled the room. Many shots were turned from their deadly aim by timely hands and discharged into the ceiling. Knives were drawn and flourished in the faces of prominent citizens, accompanied with threats of death in case the motion prevailed. The scene was fearful in the extreme. The miners in different parts of the crowd could be seen getting their guns and pistols ready for a collision which at one stage of the tumult it seemed impossible to avoid. At length the repeated cries of the chairman for order, and the earnest voices of several persons who were desirous of discussing the proposition, allayed the noise and confusion, so that they could be heard. The guilt of the prisoners was so palpable that the people deemed any sort of a trial which would not speedily terminate in their condemnation a farce. A very large majority were in favor of a miners' court, because they foresaw that any other form of trial afforded opportunity for escape. Three hours were spent in determining the question. Many short, emphatic arguments were made. In the meantime the disturbance made by the roughs waxed and waned to suit the different stages of the discussion. Shots at one moment and shouts at another betrayed their approval or disapproval of the sentiments of the speaker. I had from the first made myself offensive to my own immediate friends and intimates by pertinaciously claiming for the prisoners a trial by jury, and mounting a bench I embraced an early opportunity to give, in a few pointed words addressed to the assembled miners, my views. I reminded them of the constitutional provision which secured to every one accused of crime a trial by jury. It was a law of the land, as applicable on this as on any other occasion. The men were probably guilty; if so, the fact should be proved; if not, they had the right by law, on proving it, to an acquittal. Moreover, they had surrendered at a time when they could not have been captured, upon the express condition that they should be tried by jury. I asked, "Shall we ignore the agreement made with them by our officers?". I concluded by offering a motion that they be tried by a jury. It was negatived by three to one. Immediately a cry rose in the crowd, "Hang them at once;" this was followed by other cries of "String 'em up," "To the scaffold with 'em." Pistols were drawn and flourished more freely than before, and many personal collisions, resulting in bloody noses, black eyes, and raw heads took place in all parts of the room. Another hour was spent in discussion, and finally by a bare majority it was agreed to give the prisoners the benefit of a trial by jury.

It is impossible to portray with accuracy of detail the fearful effects of passion which were exhibited by the assembly while this question was being determined. On a limited scale it could not have been unlike some of the riotous gatherings in Paris in the days of the first revolution. It wanted numbers, it wanted the magnificent surroundings of those scenes, but as an exhibition of the passions of depraved men, when inflamed with anger, drink, and vengeance, it could not have been greatly surpassed by them.

Order at length being restored, a portion of the room was enclosed with scantling, for the accommodation of the Court and jury. J. F. Hoyt was elected Judge, Hank Crawford sheriff, and George Copley, prosecutor. The jury was next chosen by a vote of the people. My own appointment on the jury was urged by the roughs, as a compliment for my efforts to obtain for them a jury trial. I was regarded by them as a friend, and they hoped confidently for acquittal through my influence.

At first it was determined that the examination of the witnesses for both prosecution and defence should be conducted by George Copley, the prosecutor, but upon an appeal for justice in behalf of the prisoners it was at length decided by a small majority that the accused should be allowed the assistance of counsel, with the understanding that all the questions of their counsel were first to be submitted to the prosecutor. Hon. Wm. C. Rheem was chosen to defend the prisoners, and there were many threats of violence toward him for consenting to conduct the defence. It was agreed that the arguments to be made on either side should be brief, and that the trials should be urged to their conclusion with all possible expedition. Mr. Rheem's ability as a lawyer was unquestioned,—which fact furnished to those who objected to a jury trial their principal reason for opposing his employment as counsel for the prisoners. As the extent of Mitchell's criminality was uncertain, he was allowed a separate trial. His case was first brought under examination. It appeared in evidence that he accompanied Moore and Reeves on their second murderous visit to the tepee, but he was able to show that he did not once fire his gun, and consequently could not be guilty of murder. His trial was soon terminated. The jury recommended that he should be immediately banished from the gulch.

The guilt of Moore and Reeves was fully established. This result was foreseen by their friends; and while the trial was in progress they sought by threats and ferocious gesticulations to intimidate the jury. Gathering around the side of the enclosure occupied by the jury, they kept up a continued conversation, the purport of which was that no member of that Court or jury would live a month if they dared to find the prisoners guilty. Occasionally, their anger waxing hot, they would draw their pistols and knives, and brandishing them in the faces of the jurymen, utter a number of filthy epithets, and bid them beware of their verdict. Crawford was an object of their especial hate. Their abusive assaults upon him and threats were so frequent and violent that at one time he tendered his resignation and refused to serve, but upon the promise of his friends to stand by and protect him he retained his position. The case was given to the jury at about seven o'clock in the evening. A friend of the prisoners in the court-room nominated me as foreman, but upon my refusal to serve under that nomination I afterwards received the appointment by a vote of my fellow-jurymen.

The jury were occupied in their deliberations until after midnight. No doubt was entertained, from the first, of the guilt of the prisoners, but the exciting question was whether they could afford to declare it. They all felt that to do so would be to announce their own death sentence.

They knew that the friends of the prisoners fully intended to have life for life. They had sworn it. One of the jurymen said that the prisoners ought never to have been tried by a jury, but in a miners' court, that he should not be governed in his decision by the merits of the case, but that, as he had a family in the States to whom his obligations were greater than to that community, he should have to vote for acquittal. After much conversation of this sort, which only served to intensify the fears of the jurymen, a vote was taken which resulted as follows: not guilty, 11; guilty, 1; myself, the supposed friend of the roughs, being the only one in favor of the death penalty. It was apparent that further deliberation would not change this decision, and the jury compromised by agreeing to a sentence of banishment, and a confiscation of the property of the prisoners for the benefit of those they had wounded.

The Court met the ensuing morning, when the verdict, under seal, was handed to the judge. He opened and returned it to the foreman, with a request that he read it aloud. An expression of blank astonishment sat upon the face of every person in the room, which was followed by open demonstrations of general dissatisfaction, by all but the roughs, who, accustomed to outrages and long immunity, hailed it as a fresh concession to their bloody and lawless authority.

Mitchell returned to Bannack after a few days' absence, which was seemingly regarded as a full expiation of his sentence. A miners' court met soon after his return, and in view of the fact that his sentence was not enforced, revoked the sentence of Moore and Reeves, who again rejoined their fellow-miscreants. Thus the first scene in the drama, which had been ushered in by such a bloody prologue, terminated in the broadest farce.

The trial of Moore and Reeves was one of the earliest instances in the Territory where the lovers of law and order on one side, and the criminal element on the other, were brought into open, public antagonism. No one knew at that time which of the two was the stronger. The roughs had full confidence in their power to run the affairs of the Territory in their own way;—and while the trial was progressing sought, by brandishing their revolvers in the court-room, by much loud-mouthed profanity, and by frequent interruptions and threats of vengeance directed against the judge and jury, to intimidate and terrify all who were concerned in conducting the proceedings, and arrest them in their purpose. The life of Judge Hoyt, the acting magistrate of the occasion, was often threatened; but he not only manifested no fear, but was all the more active and efficient in the discharge of the duties of his difficult position. Being the central figure in the court, his calmness and firmness inspired all the other persons engaged in the prosecution with courage equal to the occasion, while it daunted the roughs and probably prevented bloodshed.

Professor Thomas J. Dimsdale, in his account of this trial, says: "To the delivery of this unfortunate verdict may be attributed the ascendency of the roughs. They thought the people were afraid of them. The pretext of the prisoners that the Indians had killed some whites, friends of theirs, in 1849, while going to California, was accepted by the majority of the jurors as some sort of justification: — but the truth is, they were afraid of their lives, and, it must be confessed, not without apparent reason."

Mr. Rheem, who defended the prisoners, says: "My conscience has more than once pricked me for interposing between the rogues and the halter, but I never believed till the last hour of their trial that they would escape hanging."

CHAPTER XX.

CRAWFORD AND PHLEGER.

Meeting and Decision of the Roughs — Plummer assigned to the Task of killing Crawford — Crawford's Exposures — Plummer seeks by Various designs to lure him into a Quarrel — Plummer's Skill with the Pistol — Quarrel in a Saloon — Harry Phleger to the Rescue — Plummer defeated — Another Saloon Affray — Phleger again — Plummer challenges Phleger — Crawford shoots and severely wounds Plummer — Leaves for Fort Benton — Is pursued, but escapes — Dr. Glick dresses Plummer's Wound — His Life threatened.

The banishment of Moore and Reeves was regarded by the roughs as an encroachment upon the system they had adopted for the government of the country. Long impunity had fostered in them the belief that the citizens would not dare to question their power to do as they pleased. They held a meeting, and it was quietly agreed among them, that every active participant in the late trial should be slain. The victims were selected, the work deliberately planned, and each man allotted his part in its performance. This wholesale scheme of vengeance was to be effected secretly, or by provoking those at whom it was aimed into sudden quarrel, and shooting them in assumed self-defence. Any course more culpable would afford the assassin small chance of escaping the vengeance of the law-abiding citizens.

Plummer was the recognized chief of the murderous band. To him was assigned the task of killing Crawford, who, as sheriff, had acted a prominent part in the trial of the exiles. This task was rendered doubly acceptable to Plummer, because he believed it would silence the tongue of the only man in the country who had any knowledge of his guilty career in California. One such person, in Cleveland, had already been slain; but Plummer suspected that on his deathbed, Cleveland had told Crawford everything. Crawford knew intuitively of Plummer's suspicions, and felt that his life was in danger. He was careful never to be unarmed. His business, as the proprietor of a meat market, was one of constant exposure. It rendered occasional journeys to Deer Lodge, where he purchased cattle, necessary, and his trips to his ranche, several miles from town, were also frequent. Outwardly, Plummer was friendly. One of Crawford's friends, Harry Phleger, confirmed his worst suspicions, by telling him that he had seen Plummer near the market one night, apparently on the watch for him. He had also noticed some suspicious movements of Plummer and a rough, familiarly called "Old Tex," which seemed to be directed against Crawford.

(The "Old Tex" mentioned in this part of the history must not be confounded with Boone Helm's brother, who is mentioned under the same cognomen in its earlier pages. "Old Tex" was a common *sobriquet* in the mountains, for noted men who had spent a portion of their lives in Texas. Almost every territory has its respective "Buffalo Bill," "Whiskey Bill," "Bed Rock Joe," "Sour Dough Tom," and "Old Tex.")

Plummer soon saw that Crawford understood him, and that the only safe method of executing his design, was to provoke him into a quarrel. Plummer was reputed to excel any man in the mountains in the use of a pistol, — an accomplishment in which Crawford had no skill. Several little incidents growing out of Crawford's efforts to re-imburse himself for the expenses he had incurred in the care and burial of Cleveland, and in the trial of Moore and Reeves, in which

Plummer voluntarily intermingled, discovered the deadly purpose of the latter. On one of these occasions, believing that a quarrel could not be avoided, he was unexpectedly confronted by five or six of Crawford's friends with their hands on their revolvers. His temper and courage cooled at once, and he sent Crawford an apology, desiring to meet him as a friend. They shook hands a few days after, and parted, seemingly on the best of terms.

Anxious as Crawford was to be at peace, he was not deceived by this offer of friendship. It was but a new move in the deadly game which Plummer was playing for his life, and he knew it. A few days afterwards, while conversing in a saloon, a rough-looking individual asked him, in an impudent manner, what he was talking about.

"None of your business," replied Crawford.

"I dare you," replied the man, with an insulting epithet, "to fight me with pistols."

Looking around, Crawford discovered Plummer among the listeners standing near, and comprehended the situation in an instant.

"You have the odds of me with a pistol," said he. "Why should I fight you?"

"Well, then," said the man, in a furious passion, "try it with your fists. That'll tell which is the best man."

Discovering that the man had no belt, Crawford unbuckled his own, and laid his pistol on the bar. Following his challenger into a dark corner of the room, he slapped him in the face. The man instantly drew from his coat a revolver, but before he could aim it, Crawford seized him by the throat and disarmed him. At this moment, Plummer joined the man in the attack on Crawford, and the two wrested the pistol from him, and, but for the timely interference of Harry Phleger, who came to Crawford's assistance and recovered possession of the pistol, Crawford would probably have been shot. Crawford and Phleger then left the saloon. It did not surprise Crawford, when told afterwards by the saloon-keeper, that the design was to entrap him into an out-door fight with pistols, when Plummer was ready, with his friends, to shoot him as soon as the battle commenced.

This assault did not disturb Plummer's affected friendship for Crawford. Learning a few days afterwards that the latter was going to Deer Lodge for cattle, he on the first opportunity told him that he should start for Fort Benton the next morning. Crawford knew that this was offered as an explanation in advance for his absence, and to throw him off his guard in the trip he contemplated making after cattle. He replied at once, —

"Wait a day or two and I'll accompany you part way."

"No," said Plummer, "my business is urgent." Plummer left the next morning, accompanied by George Carrhart. Crawford found it convenient to be detained by private business, and sent his butcher in his stead, who met Plummer at the crossing of Big Hole river, and that worthy, upon being informed that Crawford was not going to Deer Lodge, returned to Bannack. Crawford was afterwards told that Plummer had made three efforts at different times to waylay and murder him on the road to Deer Lodge.

Among other devices employed, Plummer sought through his associates to accomplish the death of Crawford. He sent a notorious rough known as Bill Hunter, to engage him in a quarrel and shoot him. Hunter, meeting Crawford, told him he had something against him.

"If you want anything of me," said Crawford, with the emphasis of his hand upon his pistol, "you can get it right straight along."

Seeing that he would probably be killed before he could draw his pistol, or, in the sententious phrase of the country, that he could not "get the drop on him," Hunter left, discomfited by Crawford's bravery.

The next Sunday while Crawford and George Perkins were in conversation, in one of the saloons, Plummer came in, seemingly in great anger.

"George," said he, addressing Perkins, "there's a little matter between you and Crawford in which I am concerned, that's got to be settled."

"Well, I can't imagine what it can be," Crawford laughingly replied. "I'm not aware of having said or done anything concerning you, that should excite your anger or call for a settlement."

"Oh, you needn't laugh," responded Plummer with an oath. "It's got to be settled;" and turning to Perkins he continued, "you and Crawford have been telling around through the camp, that I was trying to court the squaw Catherine." Then applying to Perkins a disgraceful epithet, he said, "You are a coward. I can whip you and Hank Crawford both, and if you are anything of a man, you will just step out of doors and fight me."

"I am, as you say," said Perkins, "a coward, and no fighting man when I've got nothing to fight for. I would not go out of doors to fight with anybody."

"Crawford won't admit that," said Plummer, "and if you refuse the challenge, I ask the same satisfaction of him. Let him go out with me if he dares."

"Plummer," replied Crawford, "I neither know what cause there is for fighting you, nor why I should fear to go out of doors on your challenge. I do not believe that one man was made to scare another."

"Come on, then," said Plummer, passing into the street, closely followed by Crawford. When they had walked a few steps, —

"Now pull your pistol," said Plummer.

Crawford was standing close beside Plummer.

"I'll pull no pistol," he replied. "I never pulled a pistol on a man yet, and you'll not be the first."

"Pull your pistol," persisted Plummer. "You may draw it and cock it, and I'll not go for mine until you have done so, and uttered the word to fire."

"I'm no pistol shot," said Crawford, "and you know it, — and you wouldn't make me a proposition of this kind if you hadn't the advantage."

"Pull your pistol," retorted Plummer, with an oath, "and fight me like a man, or I'll give you but two hours to live, and then I'll shoot you down like a dog."

"If that's your game, Plummer," said Crawford laying his hand on his shoulder, and looking him steadily in the eye, "the quicker you do it, the worse for you. I'll present you a fair target."

Turning upon his heel Crawford walked deliberately away, well knowing that fear of consequences would prevent Plummer from firing at him, without some plausible excuse. This conversation occurred at a late hour in the afternoon. Harry Phleger came into town early in the evening. Crawford sent a message to him, requesting him to come at once to Peabody's saloon. As he entered, Crawford told him that Plummer had given him two hours to live, and the time had nearly expired.

"I expect," said Crawford, "he will keep his word."

"If he attempts it," replied Phleger, "we will try and give him as good as he sends. It's clever at any rate to inform one of his intentions. He will expect you to be prepared."

In a few minutes five or six men, armed with revolvers, entered the saloon, followed by Plummer. He had remained long enough outside to deposit a double-barrelled gun over the door.

"Deaf Dick," who accompanied the crowd, was unarmed.

"Come on, boys," said Phleger, "let's take a drink."

All stepped back in refusal of the invitation.

"Well, Dick," said Crawford, addressing him in a key that he could hear, "you'll drink anyhow."

"Not I," said Dick with an oath. "I drink with no coward such as you have proved yourself to be by refusing to fight Plummer."

"You're the wrong man to brand me as a coward, at any rate," said Crawford, advancing toward him as if with the intention of striking.

Plummer at once stepped up and handed Dick his revolver, and the crowd gathered around him and Crawford. Harry Phleger at this moment drew his pistol, and Crawford said to him, —

"Harry, I suppose these men have come to kill me. You are my only friend, and I'll make you a present of my six-shooter. I suppose I've got to die."

"Who will kill you?" asked Phleger.

"Plummer, I suppose. He threatened it," was the reply.

"Not a man here dare shoot you," said Phleger, at the same time looking around upon the crowd, and characterizing it by a degrading epithet.

Plummer at this jumped forward, and seizing Phleger's revolver, tried to wrest it from him. In the grapple Plummer was thrown, when Phleger drawing another pistol from his belt, presented both ready cocked to the crowd, which was now pressing threateningly towards him, and calling to Crawford, said, —

"Come on, Hank, let's get out of this," and both backed out into the street facing their assailants, who did not follow them.

Phleger and Crawford started for the lodgings of the latter, passing on the way the meat market, where they were joined by Johnny Shepard and another man, who, taking all the arms they could find, went with them. As soon as they arrived at the room, Crawford, completely unnerved, lay down and cried himself to sleep. Phleger was made of sterner stuff, and watched all night. Some one rapped at the door at midnight, but was told by Phleger that if he attempted to enter, he would shoot him "on sight."

On the morning of the second day after this occurrence, Plummer came up the street, gun in hand, peeping by the way into the saloons and market for Crawford. Not finding him, he assumed a watchful attitude, and stood leaning on his gun, twenty steps distant from the door of the market. Crawford not appearing, after half an hour he walked on with "Deaf Dick" to Phleger's room. Phleger met him at the door, and invited him in.

"No," said Plummer, "you've set yourself up for a game-cock, and to let you know that I hold you in no fear, I've come up to give you a chance to display your skill. Get your gun and we'll try an exchange of shots at ten paces." This invitation was interlarded with the usual complement of oaths and epithets. Harry felt the abuse of Plummer keenly, but knew too well his skill with fire-arms to consent to the murderous proposition.

"No, thank you, Plummer," he replied, laughing, "I'm not looking around for any one to shoot this morning, and have no special regard for any one who is. If you are, and you really want to shoot, you'd better turn loose."

It so happened that at the time of this conversation, Crawford, armed for the purpose, was searching for Plummer, with the intention of shooting him. As is usual on all such occasions, friends interfered to prevent a collision, but Crawford, believing that either he or Plummer must die on their next meeting, gave no heed to their advice. When this was understood by Plummer's friends, they resorted to various devices to throw Crawford off his guard. At one time they told him that Plummer was about to leave town. This only made him the more watchful. Plummer, meantime, was careful to have one or more friends constantly in his company, so that Crawford could not fire at him without endangering the lives of others. This situation of affairs between the two men continued for several days. The entire community was prepared to hear of the death of one or both at any moment, and each was now encouraged in his purpose by his friends. Plummer was frequently seen near the butcher shop, but never alone. He finally disappeared, and sent a friend to Crawford with the proposition that they should drop all hostile intentions and meet as strangers.

"Tell Plummer," said Crawford, "that the trick is too shallow. I know him. His word of honor, so repeatedly broken, I regard no more than the wind. He or I must die or leave the camp."

Soon after this, one of Crawford's friends discovered that Plummer and his friends had laid a plan to shoot him in his own doorway, under cover of a house directly opposite, and told Crawford of it. While Crawford was on the lookout, a lady living in a cabin in the rear of the Bannack Restaurant called to him to come and get a cup of coffee. While he was drinking it, Frank Ray approached him, and telling him that Plummer was searching for him, placed in his hands Buz Cavan's double-barrelled rifle. At this moment, Plummer, armed with a similar weapon, came up on the opposite side of the street, and stopping in front of the door, with one foot elevated and resting upon a spoke of a wagon-wheel, placed his rifle across his knee, his right fore-arm lying horizontally along the stock, which he grasped as if prepared to fire at a moment's notice. Crawford's friends urged him to improve that opportunity to shoot him. He went out quickly, and resting the rifle across a log projecting from the corner of the cabin, shot Plummer in the right arm, the ball entering at the elbow, and lodging in the wrist.

"Fire away, you cowardly ruffian," shouted Plummer, straightening himself and facing Crawford.

Crawford fired a second time, but the ball missed; and Plummer walked down to his cabin, carrying his gun, and followed by several of his friends.

Crawford knew that Plummer's friends would kill him, unless he outwitted them on his escape from the country. He left for Fort Benton immediately, travelling the entire distance of two hundred and eighty miles by a trail that only those who had passed over it could trace. He was followed by three roughs, but arrived at the Fort in advance of them, where he was protected by Mr. Dawson, the factor at the post. He remained there until spring, and then took passage on a Mackinaw boat to the States.

Crawford's friends, and the miners generally, who had regarded this quarrel as a personal difficulty between him and Plummer, rejoiced at his escape. It had terminated injuriously as they felt, to the party who was most in fault, and they were glad the result was no worse. Few knew or ever suspected that it had any deeper origin than the frequent collisions incident to Crawford's attendance upon Cleveland, after he was shot, and his action as sheriff at the trial of Moore and Reeves. Had it been understood at this time that the roughs had not only decreed the death of Crawford, but of every other man who participated in that trial, the people would have placed themselves on a war footing, and organized themselves to resist the encroachments of the ruffians, which finally left them no other alternative. So fully did they carry out their avowed purposes, that, within five months after the trial, not more than seven of the twenty-seven men who participated in it as judge, prosecutor, sheriff, witnesses, and jurors, were left alive in the territory. Eight or nine are known to have been killed by some of the band, and others fled to avoid a like fate.

Plummer's wound was very severe. The ball entered at the elbow. Passing down the arm, it broke each bone in two places. Dr. Glick, the surgeon in attendance upon him, after a careful examination of the wound, was of the opinion that amputation alone could save his life. The ball could not be found, and the arm swelled to thrice its natural size, and the passage made by the ball was filled for its entire length with bony spiculæ.

Plummer had in a previous affray lost the ready use of his other hand, and knowing that the loss of this arm would necessarily deprive him of his position of chief among the roughs, and that his life depended upon his skill in drawing his revolver, — as he had numerous enemies, who would endeavor to kill him but for the advantage which this skill gave him, — declared that he might as well die as lose his arm, and peremptorily refused to consent to the operation, but insisted that the ball must be found and removed.

Dr. Glick, who was highly accomplished in surgery, explained to him the danger of such an operation, but Plummer said he would rather die in the effort to cure the arm than live without it. With great reluctance, and little faith in his ability to save the arm, the doctor undertook the thankless task, and made preparations to operate accordingly. When the arm was bared, and the doctor was about to commence, "Old Tex" and Bill Hunter entered the room, the latter armed with a double-barrelled shot-gun.

"I just thought," said he to the doctor, "that I'd tell you, that if you cut an artery, or Plummer dies from the operation you are going to perform, I'm going to shoot the top of your head off."

The operation was successfully performed, and a large amount of spiculæ and disorganized tissue removed, — but the bullet could not be found. For several days the result was uncertain. Dr. Glick gave to the wound, which was terribly inflamed, his unremitting attention. He had incurred the hatred of Plummer's friends because of his active support of law and order. They pretended to believe that he did not wish for

Plummer's recovery, and told him that they would hold him responsible with his life, for the safety of his patient. What was to be done? Escape from the country in the midst of an inclement season seemed impossible. In order to effect it, he must follow Crawford over an unknown trail to Fort Benton or to the Bitter Root valley, or run the gantlet of the hostile Indians at Bear river over a route of four hundred miles to Salt Lake. Plummer's wound was daily getting worse. The doctor, well knowing that the ruffians would put their threat into execution, prepared for his escape. Suspecting his intention, the friends of Plummer kept a close watch upon him. Despite their vigilance, however, a trusty friend secured his horse, saddled and bridled, in the bushes behind his cabin on the night that the crisis in the inflammation arrived. The doctor instructed Plummer's attendants to awaken him, in order that he might make his escape, if the swelling did not begin to abate by midnight, and lay down, booted and spurred, to get a little rest. But the favorable change which took place, while it saved to Montana one of her best citizens in Dr. Glick, lengthened out for a darker fate than that which had threatened it, the guilty life of Henry Plummer.

Dr. Glick came to Bannack with a party of emigrants of which he was captain, in 1862. The company were bound for Salmon river, but were arrested in their progress by the reputed richness of the Grasshopper mines. Glick had lost a handsome property in the early part of the war, and came to the gold mines to replenish his broken fortunes. He was accomplished in his profession, especially in surgery; and the only physician in practice who had the confidence of the people, — Dr. Leavitt, also an able practitioner, — being, at the time, engaged in mining.

His services were in almost daily demand by the road agents, to dress wounds received in broils among themselves, or while engaged in the commission of robbery. It was impossible, from his frequent contact with them, and the circumstances with which ofttimes he found them surrounded, for him to avoid a knowledge of their guilty enterprises. But he neither dared to decline to serve them, nor to divulge their villany, well knowing that in either case, he would fall a victim to that summary vengeance, so promptly and fearlessly exercised in the case of Dillingham. He foresaw also, that a time must come, when all the guilty misdeeds which he had been obliged to conceal, would be revealed, and that then the lovers of law and order would suspect the integrity of his motives, and possibly class him among the men of whom he justly stood so much in fear. But there was no remedy. He knew that his actions were narrowly watched, and that a word or glance indicating his suspicions would cost him his life. It was a happy day for him when, by the death of Plummer, his lips were unsealed.

The robbers, in other instances than the one recorded of his attendance upon Plummer, were in the habit of using threats to control the doctor's conduct. On one occasion in July, 1863, Plummer invited him to accompany him on a horseback excursion to his ranche on the Rattlesnake. Finding no one at the cabin on their arrival, Plummer asked the doctor to go with him down the creek and pick some berries. They soon came upon a large clump of birch bushes. Pulling them aside, Plummer disclosed an open space cut within the clump, in which were seated several men, seeing whom Glick drew back, but was told by Plummer to come in. He entered, and found himself amid five or six men with masked or blackened faces, of whom he recognized Moore and Billy Terwiliger. The latter was lying on a blanket, wounded in the leg by a bullet received in some affray.

After dressing the wound, the doctor started with Plummer on the return to Bannack. While crossing the plateau between Rattlesnake and Bannack, Plummer suddenly wheeled in front of the doctor, and, cocking his pistol, thrust it into his face, saying, —

"Now you know all. These are my men. I'm their chief. If you ever breathe a word of what you've seen, I'll murder you."

Under this kind of surveillance, the doctor lived until the robber band was destroyed. His discretion, only equalled by his kindness of heart, saved both his life from destruction by the robbers, and his good name from the public odium of the people. Montana has had no worthier or more useful citizen.

Henry Plummer was a man of wonderful executive ability. He was well educated. In stature he was about five feet ten inches, and in weight, one hundred and sixty pounds. His forehead was partially concealed by the rim of the hat which he rarely removed from his head, and his eyes were mild and expressive. In demeanor he was quiet and modest, free from swagger and bluster, dignified and graceful. He was intelligent and brilliant in conversation, a good judge of men, and his manners were those of a polished gentleman. To his enemies his magnanimity was more seeming than real. He always proffered them the advantage in drawing the pistol, but he knew that the instance would be very rare, where, even thus favored, his antagonist could anticipate him in its deadly use.

Hon. Wm. C. Rheem, in a letter to the Helena (Montana) *Herald*, writes of Henry Plummer as follows: —

"I remember Plummer very well. He was frequently in my cabin, and I often came in contact with him while he was exercising the office of sheriff. His form and face were familiar to the first settlers in Bannack. He was about five feet eleven inches in height, and weighed a hundred and fifty pounds. He was straight, slender, spare, agile, and what Western men call withy. He was a quiet man and talked but little; when he did speak, it was always in a low tone and with a good choice of language. He never grew boisterous, even in his cups, and no impulse of anger or surprise ever raised his voice above that of wary monotone. His countenance was in perfect keeping with his utterance. Both were under the same vigilant command. If one was like the low, continuous purr of the crouching tiger, the muscles of the other were as rigid as those of the beast before he springs. Affection, fear, hate, grief, remorse, or any passion or emotion, found no expression in his immovable face. No color ever flushed his cheeks. With mobile and expressive features, he would have been handsome — all except the forehead; this, with the conformation of the skull, betrayed the murderer, and Plummer knew it. The observer beheld a well-cut mouth, indicating decision, firmness, and intelligence; but not a line expressive of sensuality; a straight nose and well-shaped chin, and cheeks rather narrow and fleshless, still, in their outlines, not unhandsome. But one might as well have looked into the eyes of the dead for some token of a human soul as to have sought it in the light gray orbs of Plummer. Their cold, glassy stare defied inquisition. They seemed to be gazing through you at some object beyond, as though you were transparent. While other men laughed or pitied or threatened with their eyes, his had the same half-vacant stare, no matter how moving the story or tragic the spectacle.

"I have said that Plummer knew he had a bad front: he therefore kept it jealously covered with the turn-down rim of his slouch hat. When not in the mood or act of slaughter or rapine, his politeness was notable and well timed in demonstration. He understood the formulas of courtesy, but the one of uncovering his head he failed to observe."

An examination of Plummer's arm after his death, disclosed the fact that the lower fracture of the radius never united, but formed a false joint. The bullet passed into the marrow of the lower end of the bone, and was stopped in its progress by the bones of the hand. From subsequent use of the hand, while Plummer was sheriff, the bullet became worn as smooth as polished silver.

CHAPTER XXI.

BROADWATER'S STRATAGEM.

DEPARTURE OF MOORE AND REEVES TO DEER LODGE — BROADWATER'S AND PEMBERTON'S IMPROVEMENTS — MOORE SICK — BROADWATER'S KINDNESS — MOORE'S GRATITUDE — BROADWATER'S RIDE TO DEER LODGE — NIGHT AT BIG HOLE — SHOOTS AN INDIAN — MEETS IVES AND COOPER — IS PURSUED BY THEM — ARRIVES IN SAFETY AT CONTWAY'S RANCHE — LEAVES THERE BY A RUSE, AND COMPLETES THE TRIP TO DEER LODGE.

AFTER sentence of banishment was pronounced upon them, Moore and Reeves went to the mining camp in Deer Lodge valley, located near the present site of Deer Lodge City. Messrs. Broadwater and Pemberton, two young men who came into the territory a few weeks before, had selected this spot as an eligible location for a town, and were engaged in laying it out at the time the guilty exiles arrived. They had already erected two cabins, one of which they occupied, the other being vacant. It was the middle of February, and the weather was intensely cold. Moore and

Reeves made their camp in a clump of willows upon the bank of the Deer Lodge river. With no better protection than their blankets, against the wintry blasts which swept down the valley and the frequent storms that gathered in the lofty ranges overhanging it, and with no food except beef and coffee, these men suffered severely. Moore soon fell sick of mountain fever, and would probably have died had not Broadwater caused his removal to the vacant cabin, and supplied him with food and medicines necessary to his recovery. Soon after he had sufficiently recovered to leave his bed, a messenger from Bannack brought the intelligence that the miners, at a recent meeting, had revoked the sentence of banishment against him and Reeves, and that they were at liberty to return. During his illness the Indians had stolen Moore's horse. Broadwater placed one at his disposal, and Moore rejoined his comrades at Bannack.

In the following spring, Broadwater engaged in the cattle business, — buying in Deer Lodge and selling his herds at Bannack. The proceeds of these sales often amounted to thousands of dollars in gold dust. On one of these occasions he was preparing to return to Deer Lodge with six thousand dollars in gold. Moore called upon him, with a request for a few moments' confidential conversation.

"Make a free breast of anything you have to communicate," said Broadwater. "I will listen and be silent."

"It's for your own safety, Broad," replied Moore, "and there is not another man in the country for whom I'd take the risk; but you were my friend when I needed friendship: you saved my life, gave me food and shelter and care; and I can never forget to be grateful — but you must pledge your honor not to betray me."

"Freely, freely, Moore; I would lose my life first."

"Then," said Moore, "I give you friendly warning, that there is a band of road agents here, that know of your having received a large quantity of gold dust during the past three days. They are informed of the time of your intended departure for Deer Lodge, and intend to waylay and murder you on the way, and corral your gold. You are 'spotted' for slaughter. My advice to you is to leave town secretly, and to be constantly on your guard, and under no circumstances let *any* one, not even your most intimate friend, know when you will leave."

"I intended going to-morrow morning," replied

Broadwater, "but if matters are as you tell me, I think I'll start to-night."

At this Moore exclaimed, "Why, you fool! there you go, shooting off your mouth to me the first thing. Didn't I caution you not to tell *any one?* And in less than a minute you tell me just what you're going to do."

It would be curious to know by what system of ethics Moore was governed in this strange admonition; whether it was to impress upon Broadwater the necessity of a caution which should withhold confidence even from the person who warned him of a danger, or whether there was a conflict between gratitude to Broadwater and fidelity to his confederates. It is not improbable that he was bound by strong obligations to communicate to his associates the very information which Broadwater had given him.

Satisfied that Moore belonged to the gang, yet confiding in the truthfulness of his disclosure, Broadwater mounted his horse early in the evening, and at two o'clock the next morning was at the crossing of the Big Hole river. There he intended to rest, but fearful that his horse might be stolen by some Pend d'Oreille Indians camped near, he rode on, six miles, to Willow creek. Fastening the lariat firmly to his wrist, and relying upon the sagacity of his horse, to warn him of the approach of any of his red neighbors, he lay down upon the grass, and fell asleep. An hour before daylight he was aroused by a sudden plunge and snort of his horse, which, with braced feet, was gazing intently at a patch of wild rye growing near. He retained his prostrate position, and, with his eyes riveted in the same direction, and his faithful revolver grasped ready for use, quietly awaited further developments. At length a slowly creeping object became dimly visible in the morning twilight. He delayed no longer, but taking deliberate aim, fired. Instantly an Indian rose above the rye stalks, and with a fearful yell, sped away into darkness. More frightened than the redskin, whom he afterwards learned he had severely wounded, he mounted his horse with the least possible delay, and hurried away from the dangerous neighborhood.

His route now lay directly over the main range of the Rocky Mountains, by a pass whose ascent and descent are so imperceptible, that persons unacquainted with its peculiarities can never determine where the one ends, or the other begins. It is covered with bunch grass for its entire distance, and its very summit is crowned with one of the finest cattle ranges in the mountains. The waters of the creek flowing naturally along its summit down its eastern slope to the Big Hole river, are carried by ditches and races over its western slope, for mining purposes, into the beautiful valley of the Deer Lodge, thus contributing to swell on the one side, the volume of the Missouri, and on the other, that of the Columbia. The broad savannas which spread away on either side of this remarkable passage lend enchantment to a shifting and ever-varying scene of mountain beauties not excelled upon the continent.

Just before daylight, Broadwater began to descend the declivity at whose foot flowed one of the forming streams of the Deer Lodge river. Glimpses of the valley could be obtained at every bend in the tortuous road. Day was just breaking, and the perpetual snow on the distant peak of Mount Powell shone dimly through the haze. He was congratulating himself that the dangers of his trip were over, and he could complete it by a leisurely ride through one of the most delightful valleys in the world. These thoughts received a sudden check when, turning an abrupt angle in the road, he saw seated by a camp fire, the very persons, as he then felt, against whom Moore had warned him. One of them, George Ives, was regarded as the most daring ruffian in the mountains; the other, Johnny Cooper, was known to be one of his chosen associates. They manifested great surprise at his approach. The quick eye of Broadwater took in all the advantages of the situation. He saw their horses feeding upon the foot-hills, two or three miles away, and knew if he had been expected so soon, they would have been saddled and ready for pursuit. They hailed him as he passed, urged him to wait until they could get their horses, and they would accompany him, telling him that as the road agents were abroad, it would be safer for him to do so. He replied that he was in a hurry, and as his horse was jaded with travel, they would soon overtake him,—and rode slowly on. To allay suspicion, he alighted from his horse and led him slowly up a steep hill, looking back when under way to the top, and calling to them,—

"Get up your horses: you can overtake me over the hill."

The horse, which was greatly fatigued, was favored by this device. Broadwater felt all the peril of his situation, and knew that nothing but coolness and decision could save him. He was twenty miles from the second crossing of the Deer Lodge, where a Frenchman by the name of David Contway, was living with his Indian wife, preparing to take up a ranche. This was the nearest place of safety. Casting another glance at the freebooters, he saw, as he passed over the summit of the hill, that they were making active preparations to pursue him. There was no time to be lost. It was to be a race for life, and his chances for escape depended upon the advantage he could win during the brief period his pursuers would require in getting ready to start. As soon as he was lost to their sight he remounted his horse, and, spurring him to his utmost speed, descended into the broad and open valley. His course now lay over a level plain denuded of trees, and rank with prairie vegetation. Every movement he made within any attainable distance, he knew would be seen by the men who were on his track. The clumps of willow which defined the course of the river were too small to afford even temporary shelter. His horse, liable at any moment to give out, obeyed the urgency of the occasion, under whip and spur, with great reluctance. But his rider kept him up to his speed, more than once inclined to diverge from the trail toward the pine forest, which covered the foot-hills, four or five miles distant, on either side of the valley, and seek a covert there. When half the distance had been travelled, he looked back, and amid a cloud of dust, less than three miles away, he saw the robbers in full pursuit, seemingly gaining rapidly upon him. His poor, panting steed, whose sides were bleeding from the frequent lacerations of the spur, seemed on the point of exhaustion, and the thirty pounds of gold dust strapped to his person bore with terrible weight upon him. But there was no time to calculate any other chance for escape, than that of reaching the goal. On and on he spurred the jaded animal, often casting furtive glances back at the approaching death, and expecting at every turn in the trail, to feel the fatal bullet. At length the little lodge of Contway peered above the willows. The horse renewed his vigor at the sight. The hurrying tramp of the pursuers was heard in the rear. A last and desperate effort was made to urge the horse to greater speed, and he dashed up to the door, falling, on his arrival, with complete exhaustion. He was ruined,—but he had saved the life of his master. Ives and Cooper, less than fifty rods behind, reined their horses to a walk, and rode slowly up, while Broadwater was removing the saddle from his broken-down animal. Their horses were foaming with perspiration.

"Well, you beat us on the ride," said Ives, addressing Broadwater.

"Yes," replied Broadwater: "you must have had trouble in catching your horses. I travelled slowly at first, but as you didn't come up, and I was anxious to get through, I afterwards hurried."

The coolness of this colloquy betrayed to neither party what was passing in the mind of the other.

The horses were all turned out upon the adjacent hills, and the three men shared alike the hospitality of Contway. But the race was only half finished. Twenty miles of distance intervened between Contway's and Deer Lodge, and how to pass over it, and escape with life, was the momentous question for Broadwater to solve. As a measurement of wit between himself and the ruffians, it involved consequences too important for any pride in the strife. It was simply a matter of life or death with him, with the added certainty that the smallest mistake in his calculations would end in the latter. He knew that in Contway's herd was one of the fleetest horses in the Territory. Unobserved by his pursuers, he contrived to inform Contway of his situation, and found him ready to assist in his escape, by all means in his power.

"Go and saddle Charley," said Broadwater, "and bring him up, on the pretence that you are going after your cows. Do it immediately; and after he is hitched, I will ask you, in the presence of these men, for permission to ride him to Deer Lodge. With your assent, reluctantly given, I will mount and ride away, while their horses are grazing on the foot-hills."

"Zat is all ver' goot," replied Contway. "By Gar, you have got him fixed all right:"—and away he went, returning in a quarter of an hour, mounted on a horse of great strength and beauty. Hitching him to a post in front of his lodge, he made the remark that his cows had been missing for a day or two, and he must go in pursuit of them.

"Ho! Contway," said Broadwater, "that is the very horse I want to complete my trip. My own is broken down, and I will leave him in your care, and return this one to you by the first opportunity."

"By Gar, I don't know," replied Contway: "zat horse is great favorite. I would not have him hurt for anything."

"But I'll pay you well," said Broadwater. "I'm in a great hurry to get home. Let me take him,—that's a good fellow. If I hurt him, I'll pay you your own price."

"You say zat here, before zese men. Zey will remember, and on zose conditions you may take ze horse."

It was but the work of a moment for Broadwater to change saddles and mount.

"Hold on, Broad," said Ives. "This is no way to leave a fellow. Wait till we get up our horses, and we'll all ride on together. It'll be more sociable."

"Should be glad to do so, George, but it is of the utmost importance that I reach Deer Lodge as soon as possible. I cannot wait; but if you will get up your horses, and ride fast enough, you'll overtake me."

So saying, Broadwater put spurs to his horse, and rode the twenty miles at a double-quick pace, arriving at Deer Lodge a little after two o'clock, completing the entire trip of one hundred and seven miles from Bannack to Deer Lodge, including stoppages, in eighteen hours. Ives and Cooper, finding themselves outwitted, followed leisurely, arriving early in the evening.

CHAPTER XXII.

ORGANIZATION OF THE ROUGHS.

Plummer's Skill with his Left Hand — Selects Phleger for a Victim — Fails to embroil him in a Quarrel — Ellis threatened — Escapes to the Missouri — Plummer and Judge Dance — Plummer robs Davenport — Indifference of the Miners — Thorough Organization of the Roughs — Depredations in Town — Quarrel between Banfield and Sapp — Death of Carrhart — Moore's Interference and Recklessness — Contemplated Attack upon Winnemuck's Band — Rescue of a White Captive from the Indians — Buck Stinson's Barbarous Murder of "Old Snag," a Bannack Chief.

While recovering from his wound, Plummer, by constant practice, had acquired an expertness in the use of the pistol with his left hand, nearly equal to that of which Crawford's shot had deprived him. Crawford being out of his way, he was not satisfied that the quarrel which had terminated so injuriously to him should be propitiated without redress. He accordingly selected

Phleger for a victim. With every outward demonstration of friendship, he would, whenever they met, press him to drink, or to an interchange of such other civilities as would bring them together, and afford opportunity or pretence for sudden quarrel. Phleger never accepted any of these invitations, without his hand upon his pistol. Plummer, often when in company with Phleger, would make an ostentatious display of his regard for him. "Once," said he, "Harry, I would have killed you; but I could not now, when I think matters all over, find it in my nature to injure any true man, who would stand by another as you did by Crawford." Phleger could not be flattered by these honeyed words, even into momentary forgetfulness of the diabolical motives which prompted them. He maintained a quiet but unmistakable attitude of defence. He was freighting at this time, and had several teamsters in his employ.

"If," said he to them, "Plummer or any of his associates come for me, and I make the first shot and you fail to make the second, I'll shoot you. Just remember that."

On one occasion, Plummer, as if for an excuse to draw his pistol, commenced talking of its merits to Phleger, who also drew his upon the instant. In the course of the conversation, Plummer, while illustrating some quality of the weapon, pointed it directly at Phleger; but when he saw the muzzle of Phleger's at the same moment directed at his heart, he took the hint, sheathed his pistol, and departed. Phleger was not afterwards troubled with his attentions.

A miner by the name of Ellis, who had given important testimony against Moore and Reeves, by whom he was wounded in the *mêlée* which resulted in the death of Cazette, was next singled out for slaughter. He owned a mining claim in the gulch, which he was working with the hope of speedily acquiring means to take him from the country. Cyrus Skinner, a noted ruffian, assaulted him while on his way to the claim, and beat him unmercifully. He left him with the assurance that if he ever saw him in the town he would kill him. Through fear that he or some of his associates would execute this threat, he used to steal out of his cabin and go to his work by an old game trail over the spur of the mountain, to escape observation. But his steps were dogged. He could not move in any direction without a rough upon his track, watching for an opportunity to shoot him. His life was rendered miserable by the conviction that he was liable at any moment to secret assassination. Resolved to escape if possible, he left for Fort Benton. The roughs soon discovered his absence, and sent three or four of their number in pursuit of him. He foiled them by turning from the main trail into an unexplored region. After several days he reached the Missouri river below Benton, where he constructed a wigwam in which he dwelt, subsisting upon roots, berries, and the remnants of his provisions, until the Mackinaw boats descended the river from Fort Benton in the spring. Hailing one of them he was taken on board, and returned in safety to the States.

The writer of this history was early marked for summary retaliation. I had disappointed the expectations of the roughs at the trial of Moore and Reeves, by voting for the death penalty, after having supported their demand for a jury. They made no secrets of their threats against my life, and that of my friend, Judge Walter B. Dance. We never went to our claims without a loaded gun and a revolver. Dance, being a man of great physical strength, and courage to match, was not one to be easily frightened. In personal contest he would have proved more than a match for the strongest of his enemies. On one occasion, when Judge Dance and I were quietly walking down the street, we saw Plummer approaching. Dance drew a small bowie-knife, and picking up a stick, commenced whittling. Plummer came up, and casting a suspicious glance at the knife, asked, —

"Judge, why do you always begin to whittle when you meet me?"

The answer, accompanied by a look of blended sternness and indignation, came promptly, —

"Because, sir, I never intend that you shall get the advantage of me. You know my opinion of you and your friends. I will not be shot down like a dog by any of you, if I can help it."

The roughs held Dance in great fear. To those qualities we have mentioned, he added remarkable force of character. He was bold and fearless in his expression of opinion, and they well understood that no man in the settlement could wield a stronger influence over the minds of the community, in support of law and order, and the prompt punishment of crime.

Moore and Reeves had now returned. The storm of indignation which had driven them out, was succeeded by a calm of sluggish incertitude. The prominent actors in that event, abandoned by those upon whose support they had depended, were obliged to protect themselves as best they

JUDGE WALTER B. DANCE.
Miners' Judge at Bannack.

could against the persecutions and bloody designs of their vindictive enemies. No true spirit of reform had yet animated the people. When appealed to for combination and resistance to the fearful power now growing into an absolute and bloody dictatorship, they based their refusal upon selfish and personal considerations. They could not act without endangering their lives. They intended to leave the country as soon as their claims were worked out. They would be driven from their claims, and robbed of all they had taken from them, if they engaged in any active opposition to the roughs; whereas, if they remained passive, and attended to their own business, there was a chance for them to take their money back to their families. It was impossible to assemble a meeting for the purpose of considering and discussing with safety, the condition and exposure of the people.

Meantime the roughs were thoroughly organized, and were carrying out their plans for wholesale plunder in every direction. Every day added to the number and magnitude of their depredations. The Walla Walla express had been robbed, as it afterwards appeared, by Plummer's direction. An attempt to rob the store of Higgins and Worden at Missoula would have succeeded, had not the merchants been apprised of it, in time to conceal their gold.

A man by the name of Davenport, who, it was known to the roughs, had a little money in Bannack, left with his wife, intending to go to Benton, and thence by steamboat to the States. They stopped to lunch at the springs between Bannack and Rattlesnake. A man whose face was concealed, came from behind a pile of rocks standing near, drew a revolver, and presenting it, demanded their money. Mrs. Davenport asked, —

"Who are you?"

He replied, "The Robber of the Glen."

"Oh!" she said inquiringly, "are you Johnny Glenn?"

"No," he answered. "I'm the Robber of the Glen, and want your money."

Mrs. Davenport surrendered the three purses containing the money, together with her gold watch, remarking as she did so, that two of the purses and the watch belonged to her. With much gallantry of manner the robber restored them to her immediately, retaining only the single purse belonging to her husband. The plundered couple then proceeded to Benton, and Mrs. Davenport secured an early passage to the States. They never knew who the robber was.

While confined with his wound, Plummer repeatedly asked permission of Doctor Glick to take a ride on horseback. The necessity for quiet while the wound was healing obliged the doctor invariably to refuse him. One morning he called as usual to see how the cure was progressing, and Plummer was not at home. The doctor supposed he had gone out into the town, and at a later hour called, and, on examination of the wound, was satisfied that he had been taking violent exercise. On questioning him, Plummer, who knew that the doctor dared not betray him, told him of the robbery of Davenport, which he had that day committed.

The robbers next broke into and rifled a bakery belonging to one Le Grau, a Frenchman, who lived on a back street in Bannack. Preparations were made for burning the house, but the design was not carried out.

While atrocities like these were daily increasing, a reign of terror more fearful in character and results pervaded the settlement. Every man's life was endangered by the free and reckless use of fire-arms. The crack of pistols and guns, which weapons were always the first resort of the roughs in settling disputes, was heard at all hours of the day and night, in the saloon and restaurant.

Frequent and bloody affrays among themselves, often terminated in the death of one or both of the parties engaged, and sometimes of one or more of those who happened to be within range of the reckless firing while the quarrel was in progress. It was dangerous to pass along the streets, where stray bullets were not an exception, more dangerous still to attempt to allay a broil among desperadoes, who settled all difficulties with bowie-knives and revolvers.

On one of the days of this dismal period, two young men, named Banfield and Sapp, the first a gambler, the latter a miner, engaged in a game of poker in Cyrus Skinner's saloon. During the game, Sapp saw Banfield abstract a card from the deck, by the aid of which he was enabled to declare a "flush" hand. He charged him with the theft. Jumping to his feet, Banfield drew his revolver, which he levelled at the head of his antagonist, who was unarmed. Jack Russell, who was watching the game, now interfered, and quiet being restored, the men resumed play. In a few moments Sapp again charged Banfield with cheating. Banfield fired at him without effect. Sapp being unarmed, Dr. Bissell thrust a revolver into his hand, and the two men at once engaged in a pistol fight, dodging around the posts which supported the roof, and firing at random until their revolvers were emptied. They then clinched, and Russell tried to separate them. Moore and Reeves were in one of the bunks fastened to the wall of the saloon, asleep. Roused by the firing both got up, and Moore, pistol in hand, at once joined in the fight. Placing the muzzle of his revolver in Russell's ear, he pulled the trigger, and the cap failing to explode, he pulled a second time, with a like result. So rapid had been the movements of Moore, that it was not until after the second failure that Russell could turn his face toward him and exclaim, —

"What do you mean?"

Moore, who had not recognized him until that moment, dropped his arm, replying, —

"Oh, is that you, Jack?"

Russell said in explanation, —

"These are friends of mine, and I want them to stop quarrelling."

Moore now assisted Russell, and they succeeded in a few minutes in separating the combatants.

"Let's all take a drink," said Moore, "and be friends."

To this Sapp and Banfield, as neither had injured the other, assented. As they stood with their glasses raised, Moore heard a groan, and going towards the table, saw Buz Cavan's dog just expiring.

"Boys," said he, turning towards the two reconciled men who were waiting for him to rejoin them at the bar, "you've killed a dog."

Banfield called immediately for more drinks, when another groan was heard. On going to the bunk from whence it came, they found George Carrhart writhing in extreme agony. Dr. Bissell lifted him from the bunk to the table, and after a brief examination of his body and pulse, made the announcement, —

"He is dying."

Moore who stood by, on hearing this, called to Reeves and Forbes who were standing in another part of the room, —

"Boys, they have shot Carrhart," and with an emphatic stroke of his fist upon the counter, he added with an oath, —

"Let's kill 'em," simultaneously raising his pistol and firing at both Sapp and Banfield. Russell at the moment seized his arm, with a view to prevent his shooting, and in the struggle misdirected his aim. Meanwhile, Reeves fired at Banfield, who dodged under a table and crept out of the back door with a shot in his knee. Sapp, wounded in the little finger, also retreated under the fire of the road agents, — a friend, Goliah Reilly, rushing to his assistance, who also, upon turning to escape, received a bullet in his heel.

George Carrhart was a fine-looking, intelligent, gentlemanly man. He had been a member of the legislature of one of the Western States. Whiskey transformed him into a rowdy, made the company of ruffians congenial, and led him on to his unfortunate fate.

Dick Sapp was a brave, generous young man, and very popular with the people. The next morning, accompanied by several Colorado friends, he returned to Skinner's saloon. Skinner, who had seconded without participating in the attempt of Moore and Reeves to kill him the evening before, when he saw him enter, was alarmed for his own safety, and sought to propitiate him by inviting him and his friends to drink with him.

"No," said Sapp, "I want none of your whiskey. Last night I came here unarmed to indulge in a little game of poker, and you all tried to kill me. Now I'm here to fight you all, singly, and I've brought some friends, to see that I have fair play."

Moore and Skinner apologized, and begged him to overlook it; but Sapp refused to accept their apologies, and left. Afterwards some friends of Moore and Skinner, at their request, went to Sapp, and with no little difficulty effected a reconciliation.

Poor Banfield intrusted the care of his wound to an unskilful physician, and died soon after, for the want of proper treatment.

Early in the spring of 1863, Winnemuck, a warrior chief of the Bannacks, and his band of braves, camped in the sage brush above the town. One of the citizens of Bannack made known the fact that he had been informed by a white lad, whom he had met at the time of his escape from these Indians several years before, that they had slain his parents, and captured two sisters and himself. The elder of the sisters died of harsh treatment. A white girl who had been seen in Winnemuck's band, was supposed to be the other. A few citizens met at my cabin to devise means for her ransom, as any attempt at forcible rescue would provoke the Indians to violence. Skinner called the roughs together at his saloon. They decided that the circumstances were sufficiently aggravating to justify the slaughter of the band, and made preparations for that object. Meantime a half-breed apprised Winnemuck of his danger. Nowise alarmed, the old chief ranged his three hundred warriors along the valley, where they could command the approach of an enemy, however formidable. So confident was he of victory in the threatened encounter, that he promised to follow it up by a general massacre of every white person in the gulch. Fortunately at this time, whiskey came to the rescue. The leaders got drunk, the allied citizens were disgusted, and a murderous enterprise that would probably have cost many lives, was abandoned. In pursuance of the arrangements first made at the meeting in my cabin, Mr. Carroll, for a very small consideration, effected the ransom of the little girl, and took her to his cabin.

The inadequacy of the price roused in all a suspicion that the Indians intended to recapture the child. Carroll was enjoined to secrete her against such a possibility. The Indians loitered around his cabin, and finally made an attempt to carry her off. An alarm was given, the citizens and roughs rallied, the Indians released the child, and ran to escape the attack of the citizens. In the *mêlée*, Hayes Lyons, one of the roughs, fired at and wounded an Indian who was on the retreat, and who at the time was shouting "good Indian," to intimate his friendly disposition. "Old Snag," a Bannack chief, who had come with his band into town a few days before, and who when the alarm was given was in Carroll's cabin, now came out, and was talking with his daughter, when Buck Stinson, another of the ruffian gang, without the least intimation of his design, walked close beside him, and shot him in the side and head. The old man, who had always been friendly to the people, fell dead in his tracks; and Skinner, with savage brutality, came up and scalped him.

CHAPTER XXIII.

A MASONIC FUNERAL.

People Spellbound—Death of Wm. H. Bell—Meeting of the Masons—Masonic Funeral—Masonic Gatherings—Watch of the Roughs—Plummer elected Sheriff—His Marriage with Miss Eliza Bryan—His Conversation with the Writer—Reasons for doubting his Sincerity—Life in Bannack.

Had it been possible at any time during the period I have passed under review, for the peaceable citizens of Bannack to return to their old homes in safety, such was the terror that environed them, I doubt not that nearly all would joyfully have gone. The opportunity for speedy accumulation of fortune from a prolific gold placer, offered small compensation for the daily risk of life in obtaining it, and the possibility of ultimate destruction to the entire settlement. The people were spellbound, and knew not what to do. They assented almost passively, to the belief that the ruffian population was strong enough, when disposed, to crush them; and when a murder was committed, or a robbery made, expressed no stronger feeling than that of thankfulness for their own escape.

While public sentiment was gradually settling down into a state of helpless submission to the ruffian element, William H. Bell, a respected citizen, died of mountain fever. This was the first natural death that had occurred in the settlement. After his illness had assumed a dangerous form, he made known to myself and others, that he was a Mason, and expressed a desire to be buried with Masonic ceremonies. At first we deemed it impossible, but after his death, concluded to comply with his request, if a sufficient number of Masons could be assembled to conduct the exercises. A request for all the Masons in the gulch to meet on Yankee Flat at the cabin of Brother C. J. Miller, on the evening of the day of Mr. Bell's death, greatly to our surprise, was so numerously responded to, that we found it necessary to adjourn to more commodious quarters. It was past midnight before the forms of recognition were fully administered, and preparations completed for the funeral. So delighted were all to meet so many of the order, that before we separated it was virtually understood that early application should be made for authority to open a lodge. In the mean time, we agreed to hold frequent meetings.

The funeral ceremonies, the next day, were conducted by myself. The strange peculiarities of the occasion added a mournful interest to the impressive truths of the ritual. A large congregation had assembled. Near by, and surrounding the grave, stood the little band of brethren, linked by an indissoluble bond to him for whom they were now performing the last sad office. With clasped hands and uncovered heads they reverently listened to the solemn language which in that far-off land committed one of their number to his mother earth; while farther away, and encircling them, stood a curious multitude, whose eager gaze betrayed that they there for the first time beheld a Masonic burial ceremony. Among this latter number might be seen many whose daily lives were filled with deeds of violence and crime,—who mayhap at the moment might be meditating murder and robbery,—who, for the first time in many years, were listening to language which recalled the innocence of boyhood, the early teachings of parents, and hopefully pointed the way to an eternity of unmixed enjoyment. How strange it seemed to see this large assemblage, all armed with revolvers and bowie-knives, standing silently, respectfully, around the grave of a stranger, their very features, — distorted by the lines which their hardened lives had planted, — now saddened by a momentary fleeting thought of the grave and immortality.

Nor was this all. They learned from what they saw, that here was an association, bound together by bonds of brotherly love, that would stand by and protect all its members in the hour of danger. They saw the scroll deposited which signified so plainly, that death alone could break a link in the mystic chain which bound them together. They saw each brother drop the evergreen as a symbol of the surrender of him they mourned, to the eternal care of a higher power. And while the brethren, as they regarded each other in the light of their strong obligations, felt that in themselves there was a power equal to the necessities of their exposed condition, we may reasonably suppose that the ruffians who had marked them for ultimate destruction felt that a new and formidable adversary had thrown itself across their bloody pathway.

The ceremonies were conducted to a peaceful conclusion, and the assembly quietly dispersed. But from this time onward, the Masons met often for counsel. Among them there was no lack of confidence, and very soon they began to consider measures necessary for their protection. These meetings were carefully watched by the roughs, but they were quietly told that the Masons met to prepare for organizing a lodge. This threw them off their guard, and they continued in their lawless course.

After the Masonic fraternity at Bannack had decided to organize a regular lodge, and a dispensation for that purpose had been applied for, Plummer expressed publicly a strong desire to become a Mason. Such were his persuasive powers, that he succeeded in convincing some members of the order, that in all his affrays, he had been actuated solely by the principle of self-defence, and that there was nothing inherently criminal in his nature. There were not wanting several good men among our brotherhood, who would have recommended him for initiation.

It is a remarkable fact that the roughs were restrained by their fear of the Masonic fraternity, from attacking its individual members. Of the one hundred and two persons murdered by Henry Plummer's gang, not one was a Mason.

It is worthy of comment that every Mason in these trying hours adhered steadfastly to his principles. Neither poverty, persuasion, temptation, nor opportunity had the effect to shake a single faith founded on Masonic principle: and it is the crowning glory of our order, that not one of all that band of desperadoes who expiated a life of crime upon the scaffold, had ever crossed the threshold of a lodge-room. The irregularities of their lives, their love of crime, and their recklessness of law, originated in the evil associations and corrupt influences of a society over which neither Masonry nor Religion had ever exercised the least control. The retribution which finally overtook them had its origin in principles traceable to that stalwart morality which is ever the offspring of Masonic and Religious institutions. All true men then lived upon the square, and in a condition of mutual dependence.

Many persons who had been cooped up in Bannack, with nothing to do during the winter, sallied forth in quest of new discoveries as soon as the snow disappeared, in the spring of 1863. A number of new gulches were found, and the population of Bannack thinned out considerably under the inducements they offered for the improvement of fortunes. All these newly discovered places were, however, known by the general name of East Bannack, the prefix being used to distinguish the locality from West Bannack, a mining camp in that portion of Idaho lying west of the main range of the Rocky Mountains. As rapidly as any of these new camps were settled, the miners adopted laws for their government, and elected judges to enforce them. No sheriff had, however, been elected to fill the place of Crawford. The miners held a meeting at which they concluded to elect one sheriff who should reside at Bannack, and appoint his deputies for the new locations. A day for the election was accordingly designated.

Plummer busied himself among the miners to obtain the nomination, and as an evidence not less of the unsteady purpose of this population than of the personal magnetism of this remarkable man, he succeeded. Men, who a few weeks before were clamorous for his execution as a murderer, deceived by the plausibility of his professions, and the smoothness of his eloquence, were now equally urgent for his election to the most important office in the settlement. Such of the number as were unwilling to support him, nominated a good man by the name of Jefferson Durley, but the majority for Plummer, decided the election largely in his favor. A marked change immediately took place in his conduct. Soon after he was married to Miss Eliza Bryan, the young lady with whom, as I have related in a former chapter, he contracted an engagement while spending the winter with her brother-in-law, Mr. Vail, at the government farm on Sun river. Whether he honestly intended to reform at this time, or "assumed the thing he was not" for the better concealment of his criminal designs, can never be certainly known. There was much apparent sincerity in his conduct and professions. He forsook the saloons, and was seldom seen in the society of his old associates. His duties were promptly attended to. On one occasion in a conversation with me, of his own seeking, he spoke regretfully of his early life:—

"I confess," said he, "that the bad associations which I formed in California and Nevada have adhered to me ever since. I was forced in sheer self-defence on different occasions, to kill five men there — and of course was undeservedly denounced as a desperado and murderer. This is not true, — and now that I am married and have something to live for, and hold an official position, I will show you that I can be a good man among good men. There is a new life before me, and I want you to believe that I am not unfitted to fill it with credit to myself, and benefit to the community."

As he stood thus, in a beseeching voice pleading for some abatement of the harsh judgment which he knew his conduct merited, it was not without an effort that I mentally denied to him that confidence so truly characterized by Pitt in his memorable reply to Walpole, as "a plant of slow growth." Very soon after, the justice of this opinion was confirmed by an undercurrent of circumstances, which plainly showed that he was either drifting back into the whirlpool of crime, or had assumed the guise of virtue that he might better serve the devil. His face, usually clear and white, betrayed in its weatherbeaten appearance, that several times when there was no occasion for it, he had been exposed to the inclemencies of a fearful night storm. Where had he been? What was the character of that business which could woo him from his home, to face the angry elements, and require his return and appearance on the street by daylight? At one time, having occasion to go to the ranche where my horse was kept, I saw there a very superior saddle-horse. Having never seen it before, on inquiry, I was informed that it belonged to Plummer, who often visited the ranche to exercise it; but never rode it into town, or used it for any long journey. It was represented to possess greater qualities of speed and endurance than any horse in the country. Why was he keeping this horse, unused, and away from the public view, if not for the purpose of escaping from the country in case of failure in his criminal enterprise? Many other circumstances, equally demonstrative as to the designs which Plummer was secretly carrying on, satisfied me that I had not misjudged his true character.

Life in Bannack at this time was perfect isolation from the rest of the world. Napoleon was not more of an exile on St. Helena, than the newly arrived immigrant from the States, in this recess of rocks and mountains. All the stirring battles of the season of 1862,—Antietam, Fredericksburg and Chancellorsville,—all the exciting debates of Congress, and the more exciting combats at sea, first became known to us on the arrival of the first newspapers and letters, in the spring of 1863. Old newspapers went the rounds of the camp until they literally dropped to pieces. Pamphlets, cheap publications, and yellow-covered literature, which had found their way by chance into the camp, were in constant and unceasing demand. Bibles, of which there were a few copies, were read by men who probably never read them before, to while away the tedium of the dreary days of winter. Of other books there were none then, nor for a year or more afterwards. Euchre, old sledge, poker, and cribbage were resorted to until they became stale, flat, and disgusting. When, afterwards, the first small library was brought into the Territory, the owner was at once overwhelmed with borrowers, who, after reading, loaned his books without leave, until the loss or destruction of many of them, drove him to the adoption of means for the preservation of the remainder. He placarded over his library, where all could read it, the following passage from Matthew xxv. 9; "Not so; lest there be not enough for us and you; but go ye rather to them that sell, and buy for yourselves." This gentle hint served better as a joke than an admonition.

As a counterpoise to this condition of affairs, the new-comer found much in the rough, wild scenery, the habits, customs, and dress of the miners, and in the pursuits of the camp, to interest his attention. There was a freedom in mountain life entirely new to him. The common forms of expression, rough, unique, and full of significance, were such as he had never been accustomed to hear. The spirit of a humor full of fun, displaying itself practically on all occasions, often at his own expense, presented so many new phases of character, that he was seldom at a loss for agreeable pastime, or indeed profitable occupation.

The wit of a mining camp is *sui generis*. It partakes of the occupation, and grows out of it as naturally as the necessities. Indeed, it is of itself a necessity, — for the instance of a miner without humor or a relish for it, if it be of the appreciable kind, is very rare. One must be versed in the idiom of the camp to always understand it. As for example, if, in speaking of another, a miner says, "I have panned that fellow out and couldn't get a color," it means the same as if he had said, "He's a man of no principle, dishonest, or a scamp." So if of another, he says, "He's all right, clear down to bed-rock," it means, "He is honest and reliable." A hundred expressions of this kind are in common use in a mining camp. Common parlance has long ago wrung the humor from all these oddities of expression; but every now and then something new springs up which has its run through mining communities as a bit of fun, before its final incorporation into the epidemic vernacular.

It occasionally happens that a genuine loafer turns up. This is not common; for a man without money or employment among miners, especially if he evinces an indisposition for work, is a pitiable object. Nobody cares for him. His very necessities are subjects for ribaldry, and his laziness affords ample excuse for a neglect which may end in absolute starvation. There is no lack of kindness among miners, — their generosity is only bounded by their means in meritorious cases, but it is cruelly discriminative against bummers and loafers. They must live by their wits, — and sometimes this resource is available.

A singular genius known as "Slippery Joe," whose character reflected the twofold qualities of bummer and loafer, hung around the saloons and restaurants in the early days of Bannack. He worked when compelled by necessity, and was never known to buy "a square meal." One evening he was an on-looker at a party of miners who were playing euchre in Kustar's bakery. Their frequent potations, as was often the case, developing first noise, then dispute, then quarrel, finally culminated in a fight and general row. Pistols and knives were drawn, one man was badly stabbed, and several shots fired. The bystanders stampeded through the door and into the street, to avoid injury. One man was prostrate, and another bent over him, with an upraised knife.

Kustar and his bartender were engaged in quelling the *mêlée*. Seizing this opportunity, Bummer stole behind the counter, and taking a couple of pies from the shelf, mashed them out of shape with his knuckles, and laid them, still in the tin plates, on the floor near the combatants. He did not dare to steal the pies, knowing that detection would result in his banishment from the gulch. Kustar, discovering them after the fight was over, supposed from the appearance they presented, that they had been jarred from the shelf and trodden upon. He was about casting them into the street, when Bummer stepped forward, and offered twenty-five cents for them, pies at the time being sold at a dollar apiece. Glad to sell them at any price, Kustar regarded the quarter of a dollar as clear gain, and the sneak owed his supper to his criminal ingenuity.

This same slippery individual was the hero of another foraging exploit, which, however we may regard it in a moral aspect, was not discreditable to his strategic perspicacity. Two partners in a mining claim had quarrelled, fought, and so far reconciled differences, as to agree to live together. One day a load of potatoes, the first that we had had for eight months, and a great luxury at sixty cents per pound, arrived from the Bitter Root valley. The two miners bought several pounds, and agreed upon having a holiday, with an old-fashioned stew for dinner at three o'clock P.M. Bummer had epicurean tastes, and longed for a dish of the stew. He stationed himself near the door of the cabin. Just after it was taken from the pan, and placed, steaming hot, between the partners, and one was in the act of slicing the loaf, Bummer entered, and with much adroitness introduced the subject of former difference. This brought on a dispute, and the two men rose from the table and rushed into the street to engage in a fist fight. While thus employed, Bummer made a single meal of the entire stew.

In the early days of gold hunting in California, many young men of religious proclivities, who had been reared by Christian parents, went there to make speedy fortunes and return home. Failing to do so, unwilling to work, and still intent upon suddenly acquiring wealth, they have wandered from camp to camp among the mountains ever since. These mining vagabonds are often met with. Their lives have been full of vicissitude and disappointment, and nature has covered them with signs and labels, which render their character unmistakable. Lost to all self-respect, ragged, uncombed, often covered with vermin, they seem to have no definite object in life, and are content to earn enough to eke out a meagre subsistence. Sometimes we meet with one, who betrays in the glow of conversation, the remains of a cultivated foreground; but generally the slang of the camp and the rough manners of the miner have wrought a radical transformation in both mind and body.

Such an one was Bill — with whom I first became acquainted in 1863. Passing Mather's saloon, one day in the fall of 1872, I caught a glimpse of him, and stepped in to renew my acquaintance. He stood by the bar talking with a friend whom he had known at Boise City, Idaho, in 1862. The conversation had reference to those early days.

"Jim," he inquired, "when did you hear of Yeast Powder Dave last?" A little farther on in the conversation, after taking a drink, Jim inquired in return, "Whatever became of Tin Cup Joe?" then the conversation flagging, another drink was indulged, and the inquiry followed, "How late have you heard where Six Toed Pete hangs out?" At last Bill, fully warmed up to the subject, remarked, —

"Jim, you haven't forgot the parson, have you?"

"Parson who?" inquired Jim dubiously.

"Parson Crib — you know."

At the mention of the name, tears came into the eyes of both. It was evident the memory of the man was very pleasant. Bill continued, —

"Jim, they don't have no such preachers nowadays as the parson was. These new-comers, most of 'em feel above us 'cause we wear ragged clothes, and then they are so slow and lamb-like, that their talks have little effect on such fellows as you and me; but the old parson used to rattle up the boys every clatter, and when he'd got through they'd think their chances of salvation were mighty slim. And he was such a good man, so charitable and so kind — and how beautifully and eloquently he would explain the Christian religion as he talked to us of our duties to the Master. He was a real good man. There ain't many like him." Brushing a tear from his cheek, he added sorrowfully, "Jim, do you know I never did quite forgive Sam Jones, for shooting the parson, for stealing that sorrel mare."

It must have been a warm affection which would fail to approve of an act regarded so just as shooting or hanging for "cribbing" a horse in a mining camp. The parson is supposed to have held forth near Boise City.

Those of my readers who resided in Bannack at the time, doubtless remember the "Miners' Ten Commandments," written copies of which were circulated freely throughout the camp. I recall two of them. If the first one here given, serves to illustrate the prevailing customs of a mining camp, the other contains a warning which the dishonest and covetous did not fail to heed.

FOURTH COMMANDMENT. Thou shalt not remember what thy friends do at home on the Sabbath day, lest the remembrance may not compare favorably with what thou doest. Six days thou mayst dig or pick all that thy body can stand under; but the other day is Sunday, when thou shalt wash all thy soiled shirts, darn all thy stockings, tap all thy boots, mend all thy clothing, chop all thy whole week's firewood, make up and bake thy bread, and boil thy pork and thy beans, that thou wait not when thou returnest from thy long tour, weary. For in six days' labor only, thou canst not wear out thy body in two whole years; but if thou workest hard on Sunday also, thou canst do it in six months, and thou, and thy son, and thy daughter, thy male friend, and thy female friend, thy morals, and thy conscience, be none the better for it, but reproach thee shouldst thou ever return with thy worn-out body to thy mother's fireside, and thou strive to justify thyself, because the trader and the merchant, the carpenter and the blacksmith, the tailors and the Jews, defy God and civilization, by keeping not the Sabbath day, and wish not for a day of rest such as memory and home and youth made hallowed.

NINTH COMMANDMENT. Thou shalt not tell any false tales about "good diggings in the mountains" to thy neighbor, that thou mayst benefit thy friend who hath mules and provisions and blankets and mining tools he cannot sell; lest in deceiving thy neighbor, when he returneth through the snow with naught save his rifle, he presenteth thee with the contents thereof, and like a dog thou shalt fall down and die.

GENERAL P. E. CONNOR,
Commander at Battle of Bear River.

CHAPTER XXIV.

BATTLE OF BEAR RIVER.

INDIAN TROUBLES — BATTLE OF GENERAL CONNOR WITH THE BANNACKS — OBSTINATE RESISTANCE OF THE INDIANS — THEIR DEFEAT — BRAVERY OF OUR TROOPS — EFFECT OF THE VICTORY.

DURING the year preceding the period whereof I write, and in fact from the time of the discovery of the Salmon river mines, nearly every train or single company of emigrants going in that direction was attacked, robbed, the animals belonging to it stolen, and frequently many of the persons composing it slain, by predatory bands of Bannack Indians, which tribe possessed the entire country for a distance of five hundred miles north of Salt Lake. Their rapacity and cruelty had become the great terror of a journey otherwise full of difficulty and discouragement. So frequent and terrible had been this warfare, that nearly all communication between the distant mines and Salt Lake was suspended; yet the wretches who conducted it, conscious of their superior power, hesitated not, meantime, to visit the settlements, and maintain an apparent friendliness towards the people. Several attacks had been made upon them by detachments of troops from Camp Douglas, attended with more or less success, but none of them had the effect to allay their murderous depredations. Success had made them defiant as well as bloodthirsty, and long impunity begot in them the belief that they were invincible.

When the winter began to close in, rich in the spoils of their bloody forays, a large band of nearly three hundred Bannacks, under their chiefs Sand Pitch, Sag Witch, and Bear Hunter, established quarters for the cold months in a ravine on the west bank of Bear river, about four days' march distant from the federal camp. Gen. P. Edward Connor, the officer in command at Camp Douglas, had carefully watched their movements with the intention of inflicting the severest punishment upon them for the enormities they had committed. The example to be salutary, must be terrible, and Connor contemplated nothing less than the destruction of the entire band. It was a measure of safety. Many thousand people in the States and Territories were engaged in active preparation to make the journey to the northern mines, on the return of warm weather, and the lives and property of many of them depended, as General Connor knew, upon the success of his contemplated expedition.

The Indians selected their camp because of the protection it afforded from the inclemencies of the weather. The general southwest course of the river was, by a bend, changed so as to be nearly due west where it passed their encampment. The nook or ravine, open on the bank, stretched tortuously between high precipitous banks, north from the river several hundred yards, until lost in the abrupt ascent of a lofty overhanging mountain. Clumps of willows grew irregularly over the surface of the little dell, amid which the Indians pitched their buffalo tents, and fastened their ponies for better protection against wind and snow. Their women and children were with them, and all the conveniences and comforts known to savage life were clustered around them.

Perceiving soon after they took possession of the spot, that it united with its other advantages admirable means of defence against an approaching enemy, they went to work, and improved, by excavation and otherwise, every assailable point, until satisfied that it was perfectly impregnable.

During the occasional visits of their chiefs and head men to the settlements, they had learned and came to believe, that an attack of some kind would be made upon them before spring. They relished the idea as a good joke, and with more than customary bravado declared their readiness to meet it, boldly challenging the whites to come on.

The winter sped on. Colder than usual even in these high latitudes, both Indians and whites felt that if nothing else would prevent an attack, the cold weather was sufficient. General Connor kept his own counsel, but matured his plans with consummate skill. The citizens of Salt Lake, seeing no military preparations in progress, grew restive under the delay, charged the garrison with neglect of duty, and finally appealed to the civil authorities. In the latter days of January, when General Connor's plans were approaching maturity, Chief Justice Kinney issued warrants for the arrest of Sand Pitch, Sag Witch, and Bear Hunter, for murders committed by them on emigrants passing through the Territory. The officer directed to serve these writs, on one of the coldest days of the middle of January, applied to General Connor, at Camp Douglas, for an escort.

"I have an expedition against the Indians in contemplation," said the general, "which will march soon. You can go under its escort; but as I do not intend to take any prisoners, I cannot tell you whether you will be able to serve your writ or not. My opinion is you will find it difficult."

Whether the intimation conveyed in this closing remark touched the official pride of the marshal, or not, we cannot say. Certain it is that he concluded at once to accompany the expedition, and arrest the accused chiefs.

The Indians were on the watch for an attack, and had their runners out with instructions to bring them the earliest information of an approaching foe. On the morning of the 22d, Captain Samuel N. Hoyt, with forty men of Company K of Infantry, two howitzers, and a train of fifteen baggage wagons, left Camp Douglas with secret orders to march leisurely in the direction of the Indian encampment. The Indian spies, under promise of secrecy, were told by some who assumed to know, that this was the army sent to exterminate the Indians. They carried the intelligence to the Indians, where it excited great derision. The little company marched very slowly, making their roads through the snows of the divides, and were careful to afford the Indian scouts full opportunity to learn their strength and armament. The chiefs unconcernedly gave orders to their warriors to prepare for a warm reception of the foe, while they visited the settlements. On the morning of the sixth day's march, Captain Hoyt and his men reached the vicinity of the present town of Franklin, within a few hours' march of the Indian stronghold. Bear Hunter, who was there at the time, seeing how few the men were in number, left immediately in high glee, at the prospect of cutting them off the next day.

At midnight that night, after a ride of four nights, one of sixty miles, the others of easier marches, through deep snows and a piercing, bitter wind that nearly disabled a third of the command, Major McGarry, at the head of two hundred cavalry, accompanied by General Connor and his aids, rode into the little camp, and bivouacked with the infantry. The Indians knew nothing of this arrival. So far the plan for their destruction was successful. The troops slept on their arms. Orders were given to the infantry to march an hour after midnight. They were obliged to break their road through the snow, which completely covered the entire region to the depth of one or two feet. The heavy howitzers were dragged through it, over the unequal surface, with great difficulty, and for the purpose of concealment, kept in the rear. Several hours after the infantry started, the cavalry dashed by them and drew up on the south bank of Bear river before the dawn broke over the Indian camp. The savages were prepared for the attack. The ravine rang with their fearful and defiant howling.

The passage of the river was very difficult. Covered at the bottom to the depth of a foot or more with anchor-ice, its rapid current, too strong for congealment at its surface, was filled with floating masses of ice, whose sharp edges and great weight threatened disaster to every horse which ventured the treacherous passage. But there was no alternative. The troops who had dismounted to load their pistols, now remounted their horses, and led by Majors McGarry and Gallagher, by slow, tedious, and careful effort, succeeded in reaching the northern bank in safety. Before the passage was completed, however, the companies of Captain Price and Lieutenant Chase, which were the first to land, had drawn up in line of battle. Captain McLean and Lieutenant Quinn, with their commands, had barely joined them, when the Indians opened the fight with a shower of balls, wounding one of the men.

General Connor had instructed McGarry to surround the ravine, and was himself at this moment awaiting the arrival of the infantry on the south side of the river. He had not anticipated so early a commencement of the fight, but leaving his orders to be given by his aid, he hastily crossed the river and joined McGarry. That officer finding it impossible with the two companies at his disposal to outflank the Indians, ordered them to advance as skirmishers. Up to this time the Indians had been tantalizing our troops by their appearance upon the benches over which it was necessary to pass, before an attack could be made from the east on their stronghold. At the approach of the skirmishing party they retreated under cover of the precipitous bank, where, entirely protected from our guns, they opened a galling and deadly fire, killing and wounding several of Connor's men. The General ordered his men to protect themselves as much as possible, and sent McGarry forward with a detachment to scale the mountain which enclosed the ravine on the north, and outflank the Indians on the left, while the companies on the benches attacked them in front.

At this stage of the fight, the most disastrous to our troops, Captain Hoyt arrived with the infantry on the south bank of the river. He had heard the firing at a distance, and hurried forward his men, who in their eagerness for the fray, attempted to ford the river, but found it impossible. Wet and chilled they crossed the river on cavalry horses sent from the north side, and galloped up to the battle, just in time to enable McGarry, with their assistance, to complete his flanking movement. Captain Hoyt now came up with a portion of his men on the west side of the ravine, extending the cordon so as to form about three-fourths of a circle, embracing three sides of the Indian camp. The fight now became very brisk. By the enfilading fire from the east, west and north sides of the ravine, the Indians were gradually driven to the centre and south. Their stronghold proved a complete *cul de sac*, and they were completely at the mercy of the troops. Taken at this great disadvantage, and seeing their chiefs and head men falling around them, they fought with desperate bravery, moving slowly toward the mouth of the ravine on the west side of which General Connor had stationed a detachment of cavalry to cut off their retreat. The great slaughter occasioned by the incessant fire of the troops, at length broke the Indians' line. Each man sought how best to save himself. Many of them ran in the most disorderly manner to the mouth of the ravine, where they fell in heaps before the deadly fire of the rifles. Some attempted to cross the river, but did not live to effect it. Others crawled into the willow clumps with the hope of escaping notice, but the troops were ordered to scour the bushes, and dislodge them. Many of these latter disclosed their places of concealment, by firing from them upon the troops, as if resolved to sell their lives as dearly as possible. The last Indian foe waited his opportunity. While Major Gallagher was leading a detachment into a thicket, the savage fired upon him. The ball passed through his left arm into his side. Again the Indian fired, and a cavalryman fell from his horse beside General Connor. The flash of his rifle revealed his hiding-place, and a volley from the detachment ended the bloody contest.

The details I have here given of this battle, while they sufficiently demonstrate the skill and bravery of the officers and men by whom it was fought, would be wanting in justice to them did I fail to mention other incidental facts connected with it, which entitle them to additional claims upon our gratitude and admiration. Few people who have never experienced a winter in the Rocky Mountains know how to appreciate the elemental difficulties attending the march of such an expedition as this one of General Connor's. The sudden storms, the deep snows, the trackless wastes, the rapid, half-frozen mountain torrents, the lofty divides, the keen blasts, and the pinching nights, coupled with all the unavoidable demands which must encumber the movements of troops and artillery through a country that for most of the distance is entirely desolate, should give this expedition a conspicuous place among the remarkable events of our country's history. Seventy-four of the number engaged in it had their feet frozen by exposure. The night rides of the cavalry to overtake the infantry would furnish as thrilling a theme for song as any of the rides during our National struggle, which have been thus immortalized. The transportation of munitions, camp equipage and heavy artillery, through eighty miles of snow, which for most of the distance was unmarked by a road, over mountains, through cañons, and across unbridged streams, furnishes a chapter that can find no parallel in our former military experience. I mention them, that my readers may form some idea of the amount of labor and care necessary to carry such an enterprise through with success, and give the proper credit to those who accomplished it.

Through the kindness of General Connor I am enabled to give the names and rank of those who were killed and wounded. All the officers and men fought with great bravery. General Connor himself, during the entire four hours the battle was in progress, was always in the thickest of it, and seldom out of range of the deadly rifles of the Indians. The historian of the battle says, —

"General Connor exhibited high qualities of command, and his perfect coolness and bravery are the universal theme of praise. Possibly some might have been better pleased with less exposure of their commander, but I have the best authority for saying it was the call of duty, and not indifference."

The object of the fight was fully accomplished. Two hundred and sixty-seven Indians were killed, several of their leading chiefs among the number. Not fifteen escaped to tell the story of the battle.

This victory removed at once and forever the greatest impediment in the way of emigration to the new Territory and a safe exit from it for those who wished to return to their homes in the States. Previous to it people could not, with safety, pass in either direction except in large and strongly armed companies; and with certain exposure to the Indians on the one hand, and the robbers and brigands on the other, with no other possible outlet for escape except by crossing the Territory to Fort Benton or over the Cœur D'Alene Mountains to Walla Walla, both very uncertain and dangerous routes, the inhabitants of the Territory were completely at the mercy of their assailants. No more fortunate event could have occurred at the time, than this successful extermination of a dangerous foe.

The lesson this battle taught the Bannacks, has never been forgotten. The instance of an attack by other bands upon the emigrants, has never been known since that day. It so reduced their tribe in number, that they have ever since been a broken and dispirited people. They are the vagrants of the mountains; as remarkable for their pusillanimity, as, in the days of Bonneville, they were for their bravery, and the commanding position they held among the mountain tribes.

The following is a list of the killed and wounded in the fight:—

SECOND CAVALRY, COMPANY "A."

Killed. — Privates, James W. Baldwin, George German.

Wounded. — Lieut. D. J. Berry; Privates, John W. Wall, James S. Montgomery, John Welsh, William H. Lake, William Jay.

Frozen. — Corporal Adolph Spraggle; Privates, John D. Marker, J. Kearney, Samuel L'Hommidieu, R. McNulty. G. Swan.

COMPANY "H."

Killed.—Privates, John K. Briggs, Charles L. Hallowell.

Wounded.—Capt. Daniel McLean, Sergeant James Cantillon;* Corporals, Philip Schaub and Patrick Frauley; Privates, Michael O'Brien,* H. L. Fisher, John Franklin, Hugh Connor, Joseph Clows, Thomson Ridge, James Logan, Bartele C. Hutchinson, Frank Farley.*

Frozen.—Sixteen names not obtained.

COMPANY "K."

Killed.—Privates, Lewis Anderson, Christian Smith, Shelbourne C. Reed, Adolphus Rowe, Henry W. Trempf.

Wounded.—Lieut. Darwin Chase,* Sergeant Sylvanus S. Longley, Corporal Benjamin Landis; Privates, William Slocum,* Albert N. Parker, John S. Lee, Walter B. Welton, Nath'l Kinsley, Patrick H. Kelly, Eugene J. Brady, Silas C. Bush, John Daly, Robert Hargrave, Morris Illig, Alonzo A. P. V. McCoy.

Frozen.—Sergeant Wm. L. Beach; Corporals, Wm. L. White and James R. Hunt; Privates, Stragder Ausby, Matthew Almone, David Bristow, Fred W. Becker, Nath'l Chapman, Sam'l Caldwell, Joseph Chapman, John G. Hertle, Chas. B. Howe, Joseph Hill, George Johnston, Jefferson Lincoln, Arthur Mitchell, James McKown, Alonzo R. Palmer, Charles Wilson.

COMPANY "M."

Killed.—Wagoner, Asa F. Howard; Privates, Geo. C. Cox, Geo. W. Hoton, Wm. Davis.

Wounded.—Sergeants, Anthony Stevens* and Lorin Robbins. Corporal L. W. Hughes; Privates, W. H. Wood, L. D. Hughes, J. Legget, E. C. Chase, F. Barcafer, R. Miller, M. Forbes, John Stevens, P. Humbert; Bugler, A. Hoffner.

Frozen.—Sergeant John Cullen; Corporals, A. P. Hewitt and Wm. Steel; Privates, W. W. Collins, James Dyer, John McGonagle, A. G. Case.

THIRD INFANTRY, COMPANY "K."

Killed.—Privates, John E. Baker, Samuel W. Thomas.

Wounded.—Major P. A. Gallagher; Sergeants, A. J. Austin and E. C. Hoyt; Privates, John Hensley, Thomas B. Walker.

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* Died of wounds.

Frozen. — Sergeants, C. J. Herron and C. F. Williams; Corporals, Wm. Bennett, John Lattman, and John Wingate; Privates, Joseph German, James Urquhart, Wm. St. John, Algeray Ramsdell, James Epperson, A. J. T. Randall, Wm. Farnham, John Baurland, Giles Ticknor, Alfred Pensho, B. B. Bigelow, J. Anderson, F. Bacralso, F. Branch, A. L. Bailey, Wm. Carlton, D. Donahue, C. H. Godbold, J. Haywood, C. Heath, J. Manning, Wm. Way.

RECAPITULATION.

REGIMENT.	KILLED.	WOUNDED.	FROZEN.	TOTAL.
2nd Cavalry, Co. A	2	6	6	14
2nd Cavalry, Co. H	2	14	16	32
2nd Cavalry, Co. K	5	15	19	39
2nd Cavalry, Co. M	4	13	7	24
3rd Infantry, Co. K	2	5	27	34
Total	15	53	75	143

CHAPTER XXV.

ALDER GULCH.

Discovery of Alder Gulch — Description of the Placer and Settlement of it — Murder of Dillingham by Stinson, Lyons and Forbes — Their Trial — Condemnation of Stinson and Lyons — Acquittal of Forbes — Strange Acquittal, and Departure of Stinson and Lyons, when ready for Execution.

Early in June, 1863, a company of miners, while returning from an unsuccessful exploring expedition, discovered the remarkable placer afterwards known as Alder Gulch. They gave the name of one of their number, Fairweather, to the district. Several of the company went immediately to Bannack, communicated the intelligence, and returned with supplies to their friends. The effect of the news was electrical. Hundreds started at once to the new placer, each striving to outstrip the other, in order to secure a claim. In the hurry of departure, among many minor accidents, a man whose body, partially concealed by the willows, was mistaken for a beaver, was shot by a Mr. Arnold. Discovering the fatal mistake, Arnold gave up the chase and bestowed his entire attention upon the unfortunate victim until his death, a few days afterwards. The great stampede with its numerous pack-animals, penetrated the dense alder thicket which filled the gulch, a distance of eight miles, to the site selected for building a town. An accidental fire occurring, swept away the alders for the entire distance in a single night. In less than a week from the date of the first arrival, hundreds of tents, brush wakiups, and rude log cabins, extemporized for immediate occupancy, were scattered at random over the spot, now for the first time trodden by white men. For a distance of twelve miles from the mouth of the gulch to its source in Bald Mountain, claims were staked and occupied by the men fortunate enough first to assert an ownership. Laws were adopted, judges selected, and the new community were busy in up-heaving, sluicing, drifting, and cradling the inexhaustible bed of auriferous gravel, which has yielded under these various manipulations, a greater amount of gold than any other placer on the continent.

The Southern sympathizers of the Territory gave the name of Varina to the new town which had sprung up in Alder Gulch, in honor of the wife of President Jefferson Davis. Dr. Bissel, one of the miners' judges of the gulch, was an ardent Unionist. Being called upon to draw up some papers before the new name had been generally adopted, and requested to date them at "Varina City," he with a very emphatic expletive, declared he would not do it, and wrote the name Virginia City, — by which name the place has ever since been known.

The road agents were among the first to follow in the track of the miners. Prominent among them were Cyrus Skinner, Jack Gallagher, Buck Stinson, and Ned Ray, — the last three as deputies of Plummer in the sheriffalty. Ripe for the commission of any deed, however atrocious, which gave the promise of plunder, jackal-like they watched the gathering crowd and its various industries, marking each and all for early and unceasing depredation.

The Hon. Washington Stapleton who had been at work in the Bannack mines from the time of their discovery, a miner named Dodge, and another man, each supposed to possess a considerable amount of gold, having determined to go to Virginia City, Dodge was privately informed by Dillingham, one of Plummer's deputies, on the eve of their intended departure, that Buck Stinson, Hayes Lyons, and Charley Forbes had laid plans for robbing them on the way, and had requested him (Dillingham) to join them in the robbery. When the time for their going came, Dodge expressed his fear of an attack, and announced his determination to remain. His friends rallied him, until, smarting under their taunts, he revealed the information given by Dillingham. Stinson, Lyons, and Forbes heard of it, and determined to kill the informer. Stapleton left his companions, and started for Virginia City alone. At Rattlesnake he encountered Hayes Lyons, who rode up and asked him if he had heard of the robbery which Dillingham alleged had been planned against him. Stapleton replied in the negative; but when telling the story since, says that he has felt more comfortable even when sleeping in church, than when he saw that scoundrel approaching him. He told him, he says, that this was the first he had heard of it, adding, "If you want my money, I have only one hundred dollars in greenbacks. You had better take that, and let me go."

Lyons replied with an oath that the story was a lie, and that he was then on his way to kill Dillingham for putting such a story in circulation, but he feared Dillingham had heard of his intention and left the country.

Stapleton accomplished his trip without molestation. Lyons and Forbes rode on to Virginia City, also, and finding Dillingham there, they, in company with Stinson, met the next day and arranged for his assassination.

A miners' court for the trial of a civil case was in session the following morning near the bank of the creek fronting the town. To the observation of a person unaccustomed to the makeshifts and customs of a mining community, the picture presented by this court of justice would have exhibited many amusing features — not the least of which was the place wherein it was held. The Temple of Justice was a wakiup of brush and twigs, gathered from the different coppices of willow and alder growing upon the banks of the creek, thrown together in conical form, and of barely sufficient capacity to accommodate the judge, clerk, parties, and jurors. Spectators were indebted to the interstices in this primitive structure, for a view of the proceedings; and as no part of the person except the eyes, was visible to those within, the appearance of those visual orbs bore no inapt comparison to a constellation in a brush heap.

Dr. Steele, president of the gulch, acted as judge. He united with much native good sense great modesty of demeanor. He was not a lawyer. On his trip from the States, while crossing the plains, an unfriendly gust had swept his only hat beyond recovery, and he came into Montana with his brows bound in a parti-colored cotton handkerchief, which, for want of something more appropriate, not obtainable at the stores, he had worn until some friendly miner possessing an extra hat presented him with it. Proving too small to incase his intellectual organs, the doctor had, by a series of indented slits encircling the rim, increased its elasticity, so that, saving a succession of gaps, through which his hair bristled "like quills upon the fretful porcupine," it answered the purpose of its creation. With this upon his head he sat upon the bench, an embodiment of the dignity, law, and learning of this little mountain judiciary.

In the progress of the trial, the defendant's counsel asked for a nonsuit, on account of some informality of service.

"A what?" inquired the judge with a puzzled expression, as if he had not rightly understood the word.

"A nonsuit," was the rejoinder.

"What's a —" The question partly asked, was left incomplete. The judge blushed, but reflecting that he would probably learn the office of a nonsuit in the course of the argument, he broke through the dilemma by asking, —

"Upon what ground?"

The argument followed, and the judge, soon comprehending the meaning of a nonsuit, decided that unless the defendant could show that he had suffered by reason of the informal service, the case must proceed. Some of the friends of the magistrate, seated near the door, understanding the cause of his embarrassment, enjoyed the scene hugely, and as it presented an opportunity for returning in kind some of the numerous jokes which he had played at their expense, one of them, thinking it too good to be lost, with much mock sobriety of manner and tone, arose and said, —

"Most righteous decision!"

All eyes were turned upon the speaker, but before they could comprehend the joke at the bottom, another arose, and with equal solemnity, exclaimed, —

"Most just judge!"

Dr. Steele, though embarrassed by this ill-timed jocularity, was so well satisfied with his sagacity in finding out what a nonsuit meant, without betraying his legal unlearnedness, that the joke was taken in good part, and formed a subject of frequent merriment in after times.

Charley Forbes was the clerk of the court, and sat beside the judge taking notes of the trial. After the decision denying the motion, the plaintiff passed around a bottle of liquor, of which the court and jury partook. Not to be outdone, the defendant circulated a box of cigars. And it was while the spectators were giving expression in various forms to their approval of the decision, that Stinson and Lyons came into the court, and proceeding to the seat occupied by Forbes, engaged with him in a whispered conversation inaudible to the bystanders. After a few moments, Forbes suddenly rose in his place, and, with an oath, exclaimed, —

"Well, we'll kill the scoundrel then, at once," and accompanied Stinson and Lyons out of the wakiup. The audience, startled by the announcement, hurriedly followed. Dillingham had come over from Bannack in his capacity as deputy sheriff, to look for some stolen horses. He had come on the ground a moment before, in search of Mr. Todd, the deputy at Virginia City, for assistance.

An assemblage of a hundred or more miners and others was congregated in and about the place where the court was in progress, — some intent upon the trial, others sauntering through the crowd and along the bank of Alder creek. The three ruffians, after a moment's conversation, approached in company the spot where Dillingham stood.

"We want to see you," said Lyons, addressing him. "Step this way a moment."

Stinson advanced a few paces, and looking over his shoulder said to his companions, —

"Bring him along. Make him come."

Dillingham waited for no second invitation. Evidently supposing that they had some matter of business to communicate, he accompanied them to an open spot not more than ten paces distant. There they all stopped, and facing Dillingham, with a muttered curse Lyons said to him, —

"Take back those lies," when with the quickness of thought, they drew their revolvers, — Charley Forbes at the same time exclaiming, "Don't shoot, don't shoot," — and fired upon him simultaneously. The groan which Lyon's ball drew from the poor victim as it entered his thigh, was hushed by the bullet of Forbes, as it passed through his breast, inflicting a mortal wound. He fell, and died in a few moments. Jack Gallagher, who was in the plot, rushed up, and in his capacity as a deputy sheriff, seized the pistols of the three ruffians, one of which, while unobserved, he reloaded, intending thereby to prevent the identification of the villain who fired the fatal shot.

The deed was committed so quickly, that the bystanders hardly knew what had happened till they saw Dillingham stretched upon the ground in the death agony. The court broke up instantly, and the jury dispersed. Aghast at the bloody spectacle, for some moments the people surveyed it in speechless amazement. The ruffians meanwhile sauntered quietly away, chuckling at their own adroitness. They had not gone far, until several of the miners, by direction of Dr. Steele, arrested them. The re-action from terror to reason was marked by the adoption of vigorous measures for the punishment of the crime, and but for the calm self-possession of a few individuals, the murderers would have been summarily dealt with. An officer elected by the people, with a detail of miners, took them into custody, and having confined them in a log building, preparations were made for their immediate trial.

Here again, as at the trial of Moore and Reeves, the difficulty of a choice between a trial by the people, and by a jury of twelve, occasioned an obstinate and violent discussion. The reasons for the latter, though strongly urged, were finally overcome by the paramount consideration that the selection of a jury would devolve upon a deputy sheriff who was in league with the prisoners, and, as it was afterwards ascertained, an accomplice in the crime for which they were arrested.

The people assembled *en masse* upon the very spot where the murder had been committed. Dr. Steele, by virtue of his office as president of the gulch, was appointed judge, and at his request Dr. Bissell the district judge and Dr. Rutar, associates, to aid with their counsel in the decisions of such questions as should arise in the progress of the trial. E. R. Cutler, a blacksmith, and James Brown acted as public prosecutors, and H. P. A. Smith, a lawyer of ability, appeared on behalf of the prisoners.

A separate trial was assigned to Forbes, because the pistol which Gallagher had privately reloaded, was claimed by him, a fact of which he wished to avail himself. In fact, however, the pistol belonged to Stinson. It was mid-day when the trial of Lyons and Stinson commenced. At dark it was not concluded, and the prisoners were put under a strong guard for the night. They were confined in a small, half-roofed, unchinked cabin, overlooking Daylight creek, which ran through a hollow filled with willows. Dr. Six and Major Brookie had charge of the prisoners. Soon after dark their attention was attracted by the repeated shrill note of a night-hawk, apparently proceeding from the willows. After each note, Forbes commenced singing. This being noticed by the guard, on closer investigation they discovered that the note was simulated by some person as a signal for the prisoners. They immediately ordered Forbes to stop singing. He refused. They then proposed to chain the prisoners, they objecting, and Forbes remarking, —

"I will suffer death before you shall do it."

He receded, however, under the persuasion of six shot-guns drawn upon a line with his head, and in a subdued tone, said, —

"Chain me."

During the night Lyons sent for one of the citizens, who, under cover of the guns of the guard, approached and asked him what he wanted.

"I want you," said he, "to release Stinson and Forbes. I killed Dillingham. I came here for that express purpose. They are innocent. I was sent here by the best men in Bannack to kill him."

"Who sent you?" inquired the citizen.

After naming several of the best citizens of Bannack, who knew nothing of the murder until several days after it was committed, he added, —

"Henry Plummer told me to shoot him." It was afterwards proven that this was true.

Hayes Lyons was greatly unnerved, and cried a great part of the night; but Buck Stinson was wholly unconcerned, and slept sound.

The trial was resumed the next morning. At noon, the arguments being concluded, the question of "guilty or not guilty," was submitted to the people, and decided almost unanimously in the affirmative.

"What shall be their punishment?" asked the president of the now eager crowd.

"Hang them," was the united response.

Men were immediately appointed to erect a scaffold, and dig the graves of the doomed criminals, who were taken into custody to await the result of the trial of Forbes. This followed immediately; and the loaded pistol, and the fact that when the onslaught was made upon Dillingham, he called out, "Don't shoot, don't shoot," were used in evidence with good effect. When the question was finally put, Forbes, who was a young man of fine personal appearance, and possessed of good powers as a speaker, made a personal appeal to the crowd, which so wrought upon their sympathies, and was so eloquent withal, that they acquitted him by a large majority. In marked contrast with the spirit which they exhibited a few hours before while condemning Stinson and Lyons to a violent death, the people, upon the acquittal of Forbes, crowded around him with shouts and laughter, eager to shake hands with and congratulate him upon his escape. Months afterwards, when the excitement of the occasion, with the memory of it, had passed from men's minds, Charley Forbes was heard vauntingly to say that he was the slayer of Dillingham. He was known to deride the tender susceptibilities of the people, who gave him liberty to renew his desperate career, and chuckle over the exercise of powers of person and mind that could make so many believe even Truth herself to be a liar. Among all the villains belonging to Plummer's band, not one, not even Plummer himself, possessed a more depraved nature than Forbes; and with it, few, if any, were gifted with as many shining accomplishments. He was a prince of cut-throats, — uniting with the coolness of Augustus Tomlinson, all the adaptability of Paul Clifford. On one occasion he said to a gentleman about to leave the Territory, —

"You will be attacked on your way to Salt Lake."

"You can't do it, Charley," was the reply. "Your boys are scattered, we are together, and will prove too many for you." Nevertheless, the party drove sixty miles over the mountains the first day out, and thus escaped molestation.

His early life was passed in Grass valley, California. While comparatively a youth, he was convicted of robbery. On the expiration of his sentence, he visited his old friends, and on his promise of reformation, they obtained employment for him in McLaughlin's gas works. For a while his conduct was unexceptionable, and he was rapidly regaining the esteem of all; but in an evil hour he indulged in a game of poker for money. From that moment he yielded to this temptation, until it became a besetting vice. Not long after he entered upon this career, he provoked a quarrel with one "Dutch John," who threatened to kill him.

Forbes told McLaughlin, saying in conclusion, "When Dutch John says so, he means it."

"Take my revolver out of the case," said McLaughlin, "put it in your breast-pocket, and defend yourself as occasion may require."

Forbes obeyed. Soon after, as he was passing along with a ladder on his shoulder, an acquaintance said to him, —

"Dutch John is looking for you to kill you."

"So I hear," replied Forbes. "He'll find me sooner than he wants to."

A few rods farther on he saw John coming from the Magnolia saloon, where he had been looking for Forbes. Forbes sprang towards him, exclaiming with an oath, —

"Here I am," and immediately fired four shots at him. John fired once in return, and throwing up his hands in affright at the rapid firing of Forbes, ejaculated, —

"O mein Gott! will I be murdered?"

A bystander who had witnessed the meeting, and saw that John, who had expected an easy victory, was paralyzed with fear, called to him, —

"Turn your artillery loose!"

Forbes was tried for this crime, and acquitted. He was afterwards convicted of crime of some kind in Carson city, and imprisoned. On New Year's day he succeeded in removing his handcuffs, broke jail, and went to the sheriff's house, as he said upon entering, "to make a New Year's call." The officer returned him to prison. From this time, his career of crime knew no impediment.

On his first arrival in the mountains he corresponded for some of the California and Nevada papers. His letters were highly interesting. His true name was Edward Richardson.

To return to Stinson and Lyons. After the demonstrations of joy at Forbes's escape had subsided, the people remembered that there was an execution on the *tapis*. Drawing up a wagon in front of the building where the criminals were confined, they ordered them to get in. They obeyed, followed by several of their friends, who took seats beside them. Lyons became almost uproarious in his appeals for mercy. The women, of whom there were many, began to cry, begging earnestly for the lives of the criminals. Smith, their lawyer, joined his petitions to those of the women, and the entire crowd began to give way under this pressure of sympathy. Meantime the wagon was drawn slowly towards the place of execution. When the excitement was at its highest pitch, a man demanded in a loud tone that the people should listen to a letter which Lyons had written to his mother. This document, which had been prepared by some person for the occasion, was now read. It was filled with expressions of love for the aged mother, regret for the crime, repentance, acknowledgments of misspent life, and strong promises of amendment, if only life could be spared a little longer. Every sentence elicited fresh grief from the women, who now became perfectly clamorous in their calls for mercy to the prisoners. After the letter was read, some one cried out, in derision, —

"Give him a horse, and let him go to his mother."

Another immediately moved that they take a vote upon that proposition. Sheriff Todd, whose duty it was only to carry out the sentence of the court, consented to this, and the question was submitted to ayes and noes. Both parties claimed the victory. It was then agreed that those in favor of hanging should go up, and those opposed, down the side of a neighboring hill. Neither party being satisfied, as a final test, four men were selected, and those who wished the sentence enforced were to pass between two of them, and those who opposed, between the other two. The votes for liberty were increased to meet the occasion, by a second passage of as many as were necessary to carry the question. An Irish miner, while the voting was in progress, exclaimed in a loud voice, as a negro passed through the acquittal bureau, —

"Bedad, there's a bloody nagur, that's voted three times."

But this vote, dishonest as it was, settled the question; for Jack Gallagher, pistol in hand, shouted, —

"Let them go. They're cleared."

This was a signal for a general uproar, and amid shouts from both parties, expressive of the opinions which each entertained, some one mounted the assassins upon a horse standing near, which belonged to a Blackfoot squaw, and cutting the lariat, started them off at a gallop down the gulch. At this moment one of the guard pointed to the gallows, and said to another, —

"There stands a monument of disappointed justice."

Immediately after sentence of death had been passed upon Stinson and Lyons, Dr. Steele returned to his cabin, two miles down the gulch. The result of the trial had furnished him with food for sad reflection, — especially as the duty of passing the death sentence had devolved upon him. Other considerations followed in quick succession. He has since, when speaking of it, said that he never indulged in a more melancholy reverie, than while returning home from this trial. The youth of the convicts; their evident fitness, both by culture and manners, for any sphere of active business; the effect that their execution must have upon distant parents and friends, — all these thoughts presented themselves in sad array before his mental vision; when, as he was about entering his cabin, a quick clatter of hoofs roused him, and turning to see the cause, he beheld the subjects of his gloomy reflections both mounted upon the Indian pony, approaching at the animal's swiftest pace. He had hardly time to recover from his surprise, and realize that the object was not a vision, until the animal with its double rider passed him, — and Lyons, nodding familiarly, waved his hand, accompanying the gesture with the parting words, —

"Good-by, Doc."

The body of the unfortunate Dillingham lay neglected upon a gambling table in a tent near by, until this wretched travesty was completed. Then a wagon was obtained, and, followed by a small procession, it was hurriedly buried. The tears had all been shed for the murderers.

"I cried for Dillingham," said one, on being told that his wife and daughters had expended their grief upon the wrong persons.

"Oh, you did," was the reply. "Well thought of. Who will pray for him? Will you do it, judge?"

Judge Bissell responded by kneeling upon the spot and offering up an appropriate prayer, as the body of the unfortunate young man was consigned to its mother earth.

Soon after the murder of Dillingham, Charley Forbes suddenly disappeared. No one knew what became of him, but it was supposed that he had fallen a victim to the vengeance of his comrades for the course he had taken in securing for himself a separate trial. This supposition was afterwards confirmed by some of the robbers themselves, who stated that in a quarrel with Moore at the Big Hole river, Forbes was killed. Fearing that the friends of the murdered ruffian would retaliate, Moore killed Forbes's horse at the same time, and burned to ashes the bodies of horse and rider. This fact was known to Plummer only, at the time of its occurrence.

Dillingham was a straightforward, honest young man, and his office as deputy sheriff was given him, under the supposition that he would readily affiliate with the roughs. Lyons, Stinson, and Forbes, who were also deputies, supposed him to be as bad as they were. On my trip east in 1863, the Overland coach in which I had taken passage was detained a night by snow at Hook's Station in Nebraska. Ascertaining that I was from Bannack, a young man at the station asked me many questions about Hayes Lyons, telling me that he had heard that he narrowly escaped hanging the previous summer. I narrated to him the circumstances attending the murder of Dillingham, and the trial.

"He is my brother," said the young man, and invited me to go with him and see his mother and sister. I learned that Hayes had been well brought up, but was the victim of evil associations. His mother wept while deploring his criminal career, which she ascribed to bad company.

Later in the winter I received a letter from the father of Dillingham, who resided at North Orange, New Jersey, inquiring after his son. I replied, giving the particulars of his son's death, and the trial and escape of his murderers, and of my subsequent meeting with the mother of Lyons. In the mean time, Lyons had been hanged.

The father was almost heartbroken at the intelligence of his son's death, but in his letter, written in a kindly and Christian spirit, he says: —

"While the shocking details of the sad narrative are inexpressibly distressing to us, it is a great alleviation to our grief to know that an act of manly virtue and honor was the superinducing cause that excited our son's murderers in their bloody purpose. Death under such circumstances, so far as it relates to the poor sufferer himself, is praiseworthy in the highest degree, and inspires us with thankfulness to God for our son's integrity, and with humble trust that it may be overruled in infinite wisdom for our good; and is certainly a thousand times to be preferred by the afflicted survivors, to a knowledge of, compliance with, and successful prosecution of, the infamous scheme proposed. Our hearts truly and deeply sympathize with the sorrowing mother and family of the criminal young Lyons. Truly, indeed, may it be said that only God can assuage the poignancy of such sorrow as must fill their bosoms. May he sustain and comfort them.

"It is satisfactory to know that summary measures were finally, and in a good measure effectually, adopted by your citizens, for ridding their interesting region of country of these worse than savages. Retributive justice is almost invariably sure, sooner or later, to overtake all such heaven-daring outlaws. . . .

"Very sincerely yours,

"W. S. DILLINGHAM."

CHAPTER XXVI.

VIRGINIA CITY.

INCREASE OF IMMIGRATION — SETTLEMENT OF ALDER GULCH — DISCOVERY OF SMALLER GULCHES — BIVIN'S GULCH — DEMPSEY'S AND DALY'S RANCHES — SOCIETY IN VIRGINIA CITY — SUNDAY — SIZE OF TERRITORY — DISTANCE FROM CAPITAL — ARRIVAL OF D. S. PAYNE, U. S. MARSHAL — HIS DESIRE TO HAVE VIRGINIA CITY REPRESENTED — OFFERS THE WRITER THE SELECTION OF A DEPUTY MARSHAL — QUESTION REFERRED TO UNION LEAGUE, WHICH DESIGNATES PLUMMER — INTERVIEW BETWEEN PLUMMER AND THE WRITER — HAUSER'S OPINION OF PLUMMER — PLUMMER NOT NOMINATED — THREATENS THE WRITER — METHOD OF CONDUCTING ROBBERIES — PLUMMER'S POPULARITY — CLUBFOOT GEORGE'S SHOP IN DANCE AND STUART'S STORE.

No longer in fear of attack by the Indians, immigrants had been steadily pouring into the Territory over the Salt Lake route during the month of June. Many came also over the mountains from Salmon river. The opportune discovery of Alder gulch relieved Bannack of a large and increasing population of unemployed gold-hunters, who, lured by the overdrawn reports of local richness, had exhausted all their means in a long and perilous journey, to meet only disappointment and disaster at its close. Almost simultaneously with the settlement at Virginia City, other settlements lower down and farther up the gulch were commenced. Those below were known by the respective names of Junction, Nevada, and Central; those above, Pine Grove, Highland, and Summit. As the entire gulch for a distance of twelve miles was appropriated, the intervals of two or three miles between the several *nuclei* were occupied by the cabins of miners, who owned and were developing the claims opposite to them, so that in less than three months after the discovery, the gulch was really one entire settlement. One long stream of active life filled the little creek, on its auriferous course from Bald Mountain, through a cañon of wild and picturesque character, until it emerged into the large and fertile valley of the Pas-sam-a-ri. Pas-sam-a-ri is the Shoshone word for "Stinking Water," and the latter is the name commonly given in Montana to the beautiful mountain stream which was called by Lewis and Clarke in their journal, "Philanthropy River." Lateral streams of great beauty pour down the sides of the mountain chain bounding the valley, across which they run to their union with the Pas-sam-a-ri, which, twenty miles beyond, unites with the Beaverhead, one of the forming streams of the Jefferson. Gold placers were found upon these streams, and occupied soon after the settlement at Virginia City was commenced. One of these at Bivin's gulch, in the mountains twelve miles from Virginia City, though limited in extent, was sufficiently productive to afford profitable employment to a little community of twenty or more miners. Twenty miles below Virginia City on the route to Bannack, a man by the name of Dempsey located a ranche, and built a large cabin for the accommodation of travellers. Seven miles above, and between that and Virginia City, another similar building for like purposes was owned by Peter Daly, and three miles above Daly's was another owned by Mr. Lorrain. These establishments are only important as they serve to locate occurrences connected with this history.

Of the settlements in Alder gulch, Virginia City was the principal, though Nevada, two miles below, at one time was of nearly equal size and population. A stranger from the Eastern States entering the gulch for the first time, two or three months after its discovery, would be inspired by the scene and its associations with reflections of the most strange and novel character. This human hive, numbering at least ten thousand people, was the product of ninety days. Into it were crowded all the elements of a rough and active civilization. Thousands of cabins and tents and brush wakiups, thrown together in the roughest form, and scattered at random along the banks, and in the nooks of the hills, were seen on every hand. Every foot of the gulch, under the active manipulations of the miners, was undergoing displacement, and it was already disfigured by huge heaps of gravel, which had been passed through the sluices, and rifled of their glittering contents. In the gulch itself all was activity. Some were removing the superincumbent earth to reach the pay-dirt, others who had accomplished that were gathering up the clay and gravel upon the surface of the bed-rock, while by others still it was thrown into the sluice boxes. This exhibition of mining industry was twelve miles long. Gold was abundant, and every possible device was employed by the gamblers, the traders, the vile men and women that had come with the miners to the locality, to obtain it. Nearly every third cabin in the towns was a saloon where vile whiskey was peddled out for fifty cents a drink in gold dust. Many of these places were filled with gambling tables and gamblers, and the miner who was bold enough to enter one of them with his day's earnings in his pocket, seldom left until thoroughly fleeced. Hurdy-gurdy dance-houses were numerous, and there were plenty of camp beauties to patronize them. There too, the successful miner, lured by siren smiles, after an evening spent in dancing and carousing at his expense, steeped with liquor, would empty his purse into the lap of his charmer, for an hour of license in her arms. Not a day or night passed which did not yield its full fruition of fights, quarrels, wounds, or murders. The crack of the revolver was often heard above the merry notes of the violin. Street fights were frequent, and as no one knew when or where they would occur, every one was on his guard against a random shot.

Sunday was always a gala day. The miners then left their work and gathered about the public places in the towns. The stores were all open, the auctioneers specially eloquent on every corner in praise of their wares. Thousands of people crowded the thoroughfares, ready to rush in any direction of promised excitement. Horse-racing was among the most favored amusements. Prize rings were formed, and brawny men engaged at fisticuffs until their sight was lost and their bodies pommelled to a jelly, while hundreds of on-lookers cheered the victor. Hacks rattled to and fro between the several towns, freighted with drunken and rowdy humanity of both sexes. Citizens of acknowledged respectability often walked, more often perhaps rode side by side on horseback, with noted courtesans in open day through the crowded streets, and seemingly suffered no harm in reputation. Pistols flashed, bowie-knives flourished, and braggart oaths filled the air, as often as men's passions triumphed over their reason. This was indeed the reign of unbridled license, and men who at first regarded it with disgust and terror, by constant exposure soon learned to become part of it, and forget that they had ever been aught else. All classes of society were represented at this general exhibition. Judges, lawyers, doctors, even clergymen, could not claim exemption. Culture and religion afforded feeble protection, where allurement and indulgence ruled the hour.

Underneath this exterior of recklessness, there was in the minds and hearts of the miners and business men of this society, a strong and abiding sense of justice, — and that saved the Territory.

While they could enjoy what they called sport even to the very borders of crime, and indulge in many practices which in themselves were criminal, yet when any one was murdered, robbed, abused, or hurt, a feeling of resentment, a desire for retaliation, animated all. With the ingathering of new men, fear of the roughs gradually wore away,—but the desire to escape responsibility, to acquire something and leave in peace, prevented any active measures for protection; and so far as organization was concerned, the law and order citizens, though in the majority, were as much at sea as ever.

Previous to the organization of the Territory of Idaho on the 3d of March, 1863, all of that which is now Montana west of the Rocky Mountains, was part of Washington Territory, with Olympia on Puget Sound for a capital. All east thereof belonged to Dakota, the capital of which was Yankton on the Missouri, which by the nearest available route of travel, was two thousand two hundred miles distant. The existence of Bannack was not known there at that time, to say nothing of the impossibility of executing any Territorial laws, at such arm's-length, even if it had been. Our legal condition was not greatly improved by the organization of the new Territory of Idaho. Lewiston, the capital, was seven hundred miles away, on the western side of the mountains. Eighteen months had passed since we became part of that Territory, before we received an authentic copy of the Territorial Statutes, and when they came we had been half a year in Montana.

In August, 1863, D. S. Payne, the United States Marshal of Idaho, came over from Lewiston to Bannack, to district the eastern portion of the Territory, and effect a party organization of the Republicans. Our people felt little interest in the measure. Some of the leading citizens had requested some time before, that I should make application in person for them, at the next session of Congress, for a new Territorial organization, east of the Cœur D'Alene Mountains. Payne was urgent for a representation of this part of the Territory in the Legislative Council, and as an inducement for me to consent to the use of my name as a candidate, offered to appoint any person whom I might name, to the office of Deputy United States Marshal in the east side district.

A Union League had been for some time in existence in Bannack, of which I was President. I asked the advice of the members in making the appointment, first cautioning them to ballot secretly, as by that means those who otherwise would not support Plummer, who was known to be a candidate, would escape detection by him. Neither Mr. Rheem, the Vice-President of the League, nor myself, voted. The votes cast, about thirty in number, were unanimous for Plummer. Some one informed him of it. He expressed his gratification at the result, and told me that the confidence of the League in him should never be betrayed. I immediately informed him that he must not expect the appointment. He gave this reply a favorable interpretation, and even after it was repeated, turned upon his heel, laughing, and saying as he went, —

"It's all right, Langford. That's the way to talk it to outsiders."

Soon after this, in a conversation with Mr. Samuel T. Hauser, I informed him of the recommendation of the League. Hauser replied, —

"Whoever lives to see the gang of highwaymen now infesting the country broken up, will find that Henry Plummer is at the head of it."

Amazed at the expression of an opinion so much stronger than my own, I at once decided to reject the advice of the League, rather than incur the responsibility of recommending so dangerous a person for the office. Plummer heard of it, and lost no time in asking an explanation, affecting to believe that I had promised to recommend him. We sat down upon an ox-shoeing frame, and talked over the whole matter. He had his pistol in his belt. I was unarmed. He said many provoking things, and used many oaths and epithets, in his attempt to provoke a quarrel, but all to no purpose. Finding that no excuse would be given him for a resort to violence, he arose, and as we parted, said, —

"Langford, you'll be sorry for this before the matter ends. I've always been your friend, but from this time on, I'm your enemy; and when I say this, I mean it in more ways than one."

These were the closing words of our last conversation. We met afterwards, but never spoke.

During that fall I was engaged in purchasing lumber at Bannack to sell at Virginia City, where no sawmills had yet been put in operation. The business required frequent trips between the two places; and the ride of seventy miles through a lonely country, whose surface alternated with cañons, ravines, foot-hills and mountains, afforded such ample opportunity for secret robbery and murder, that it required considerable ingenuity to throw the villains off the track. With the threat of Plummer hanging over me to be executed upon the first favorable opportunity, my position was by no means an enviable one. I would send forward the loaded teams, which were four days on the trip, and on the morning of the fourth would follow, mounted on a good horse, and arrive in Virginia City the same evening. On my arrival my horse was immediately put in charge of a rancher, or person who made the care of horses a specialty. He would send it with a herd to a convenient grass range, where it would feed in the care of herders night and day until wanted. Then it was brought into town and delivered at the office of the rancher. The order for a horse was given the night before it was wanted, in order to have the animal ready the following morning.

George Ives, who turned out to be one of the most desperate of the gang of robbers, was the rancher's clerk at Virginia City. Whenever application was made for a horse, unless the applicant was on his guard, Ives could, by a careless inquiry, learn his destination. By communicating this to his confederates, they could pursue and rob, or kill the rider without delay or suspicion. To escape this system of espionage it was my custom, when ready to leave for Bannack or elsewhere, to send an order by a friend to the rancher or Ives, requesting him to let the bearer have the horse to go to some point in an opposite direction from the place of destination. The friend would receive and mount the horse, and ride out of town, beyond observation, where I would meet him and go on my way. Thirty journeys of this kind were safely made between Virginia City and Bannack during the fall, none, however, without the precaution of carrying a pair of revolvers in my cantinas, and a double-barrelled gun across my saddle.

During a brief stay in Omaha several years ago, I met with Dr. Levitt, who was a resident of Bannack while Plummer dwelt there. He related the following incident, which is repeated here, for the insight it affords of Plummer's malignancy.

"One night in October, 1863," said the doctor, "I was walking along the roadway of Main Street in Bannack. The moon, obscured by clouds, shed a dim light, by which I could see for a few yards quite distinctly. As I passed your boarding-house, my attention was attracted by a noise at my left. I stopped, and on close observation saw a dark object under the window. My curiosity was excited to know what it could be. Judge of my surprise on approaching it to behold a man with a revolver in his hand, on his knees at the window, peering into the room through a space of less than an inch between the curtain and the window casing. I watched him unobserved for some seconds. Disturbed by my approach, he sprang to his feet and darted around the corner of the building — but not so rapidly as to escape recognition.

"'Why, Plummer,' I exclaimed, 'what in the world are you doing there?'

"Seeing that he was known, he came forward, laughing, and replied, —

"'I was trying to play a joke on my friend Langford. He and Gillette board here, and I heard their voices.'

"I was puzzled to conceive what sort of a joke he was playing with a loaded revolver, but thought I had better not be too curious to ascertain. Plummer accompanied me home. He said that you and he were great friends; that you had done him many favors, and there was no person in the world he esteemed more highly. I thought nothing more of the matter, until I heard that Plummer had threatened your life for refusing to recommend his appointment as Deputy United States Marshal. I had no doubt then, and have none now, that he was trying to get a sight through the window for the purpose of shooting you. Your departure for Salt Lake a day or two after I heard of your difficulty with him prevented me from informing you of it at the time."

Miners and others who had worked out or sold their claims, were almost daily leaving the country. Often it was known that they took with them large amounts of gold dust. Various were the devices for its concealment. On one occasion a small company contrived to escape plunder by packing their long, slim buckskin purses into an auger hole, bored in the end of their wagon tongue, and closing it so as to escape observation. Others, less fortunate, lost, not their money only, but their lives, in some of the desolate cañons on the long route to Salt Lake. Many left who were never afterwards heard of, and whose friends in the States wrote letters of inquiry to the Territory concerning them, years after they had gone. Whenever a robbery was contemplated which the freebooters supposed would be attended with unusual risk to themselves, Plummer's presence was required to conduct it. Knowing that his absence would excite suspicion, he arranged that for such occasions, he should be sent for, as an expert, to examine a silver lode. But few discoveries had at this time been made of this mineral, and Plummer's Nevada experience was thought to qualify him for determining its value with considerable accuracy. A rough-looking prospector, dressed for the purpose, would ride into town, exhibit his specimens, and urge Plummer, who feigned reluctance, to go with him and examine his discovery, promising him a claim as an inducement. Often would unsuspecting citizens offer to aid Plummer in any work he might then have on hand to enable him to go out, and, under pretence of examining a silver lode, superintend the commission of a daring robbery. Sometimes this same object was accomplished by trumping up a charge against some imaginary delinquent, and obtaining a warrant for his arrest from the miners' judge, which Plummer, as sheriff, rode away to execute.

The following is one instance of Plummer's method of obtaining recruits. He called upon Neil Howie in the fall of 1863, whom he found hard at work mining, but barely earning a subsistence.

"Neil," said he, "this is a hard way to get a living."

"I know it," replied Howie.

"I can tell you of an easier way."

"I'd like to know it."

"There are plenty of men making money in this country," said Plummer, "and we are entitled to a share of it."

Doubtful as to his meaning, or whether he understood him aright, Howie regarded Plummer with a puzzled expression, making no reply.

"Come with me," said Plummer, "and you'll have all you want."

"You've picked up the wrong man," replied Howie.

"All right," said Plummer coolly. "I suppose you know enough to keep your mouth shut."

Howie remembered the fate of Dillingham, and heeded the admonition.

The placer at Alder gulch was immensely prolific. Probably its yield in gold dust was not less than ten millions of dollars before the close of the first year's work upon it. Money was abundant. Merchants and bankers were obliged to exercise great ingenuity and caution in keeping it, as there were no regular means for transmission out of the country. The only stage route was between Bannack and Virginia City,—and a stretch of unsettled country, four hundred and seventy-five miles in width, lay between the latter place and Salt Lake. There was no post-office in the Territory. Letters were brought from Salt Lake to Virginia City, first at a cost of two dollars and a half each, and later in the season at one dollar each. All money, at infinite risk, was sent to the nearest express office at Salt Lake by private hands. In order to gain intelligence of these occasional consignments, Plummer induced some of the leading merchants to employ members of his gang. When this could not be effected, they were occupied so near and on such familiar terms, that they could observe without suspicion all business operations, and give him early notice of the transmission of treasure.

Dance and Stuart commenced business in Virginia City in the fall of 1863, with a large stock of goods. George Lane, better known as "Clubfoot George," whose history in the Salmon river mines I have already given, came to them with a pitiful story of his misfortunes, and asked for a place in their store for his shoemaker's bench. Though cramped for their own accommodation, they made room for him. He commenced work, meantime watching all their business operations, for the purpose of reporting when and by whom they sent money to their Eastern creditors.

CHAPTER XXVII.

COACH ROBBERIES.

Wealth of Alder Gulch — Return of Miners to the States — Adaptation of the Country to Robbery — "Bummer Dan" — His Claim — Sale of it and Return to Virginia City — His Ruse to escape Robbery a Failure — Attack upon the Coach — Robbery of "Bummer Dan," Percy, and Madison — Bill Bunton a Stool-Pigeon — Quarrel of Jason Luce and Sam Bunton — Luce kills Sam Bunton in Salt Lake City — His Trial and Execution.

The placer at Alder gulch was so extensive, so easy of development and so prolific, that many of the miners who commenced work upon it in the early days of its discovery, fortunate in their acquisitions, and disgusted with their associations, were ready to return to the States in the fall. Failing in this, they knew that they would be doomed to a long winter of idleness, exposed to the privations incident to a new and isolated region, and to the depredations of a large and increasing criminal population. The hegira, at first small, increased in numbers, so that by the first of November it could be numbered by hundreds, who were on their return to their old homes. Many — perhaps the greater portion — of those wayfarers travelled in the conveyances which brought them to the country; others on horseback; and a large number leaving Virginia City on one of the two lines of coaches for Bannack, trusted to chance for an opportunity to continue the journey beyond that place. How many of these persons fell victims to the road agents, on their long and perilous journey, it is impossible to tell; but the inquiries of relatives and friends for hundreds of them for months and even years after their departure, leave no chance for doubt that the villains drove a bloody and prosperous business.

Several of their most daring exploits occurred on the route between Virginia City and Bannack, a region admirably adapted to their purposes. Its frequent streams, cañons, mountain passes, rocky ledges, willow thickets, and deep embosomed valleys, afforded ample means of concealment, and advantages for attack upon passing trains, with very few chances for defence or escape. The robbers had their established points of rendezvous on the road, and worked in concert by a system of horseback telegraphy, as unfailing as electricity. Whenever it was known that a person with money was about to leave by coach, a private mark was made upon the vehicle, which would be recognized wherever seen, at Daly's, Baker's, Dempsey's, or Bunton's, the several ranches where the coach horses were changed. Bunton, who kept the Rattlesnake ranche, was the same villain who was associated with Plummer in the shebangs near Walla Walla, of which an account has already been given.

When the approach of the coach was perceived at either of these changing stations, the herder in charge mounted his horse, and rode hurriedly off to drive up the horses for the next route, which were generally feeding in sight of the station. Sometimes they strayed off, and the coach would be delayed until they were found, but this was of infrequent occurrence. Precisely the same system was followed here as upon the plains in the days of the overland mail stages.

The horses in use when not of the cayuse breed, were bronchos, or wild horses from California, neither in quality nor breed suited for the service, unreliable, and easily broken down. They were driven very rapidly, and when their speed gave out were turned out as no longer fit for use. As a consequence it was one of the chief difficulties of a stage proprietor to secure horses which would insure the punctuality of his trips. The trip between Virginia City and Bannack was ordinarily completed between the rising and setting of the sun.

Among the miners earliest to arrive and stake a claim in Alder gulch, was an Irishman by the name of Daniel McFadden, who soon became familiarized to the sobriquet of "Bummer Dan." Why he was thus designated was never known, but it may be presumed that he early developed some of the peculiarities, which, in the opinion of the people, justified it. He was fortunate in securing one of the richest claims in the gulch, and, making good use of his time, had saved two thousand dollars or more in dust by the middle of October. Having sold his claim, with this gold in his possession, he made preparations for a journey to Bannack. Securing it in buckskin purses, he put them in a larger bag, and by means of a strap across the shoulder, and a belt, contrived to conceal the treasure under his clothing, and carry it very conveniently. One raw, gusty day, toward the close of the month, he left Virginia City on foot, and walked down the valley to Dempsey's ranche, on the Stinking-water, where he waited the arrival of Peabody & Caldwell's coach on its way to Bannack.

Owing to the sickness of the driver, William Rumsey was pressed into the service for the trip, and the coach left Virginia City at the usual hour in the morning, with Messrs. Madison, Percy, and Wilkinson, as passengers. One of the heavy snowstorms peculiar to this season and latitude set in soon after the coach was under way, and continued during the drive of the first ten miles, rendering their progress slow and cumbersome. At Baker's ranche the passengers were obliged to wait until the herder, who had been housed during the storm, could drive up the horses. He returned after an hour's search with an indifferent team, which was driven on a run to Dempsey's ranche, to recover the time lost by the delay. Here "Bummer Dan" took passage, and the same speed was maintained to "Point of Rocks," the locality known in Lewis and Clarke's travels as Beaver Head Rock. The wearied horses gave place here to a fresher team, which continued on a keen run to Bunton's ranche on the Rattlesnake. It was now sunset, and yet twelve miles to Bannack. The herder who had brought up the horses for the change at the usual hour, finding that the coach did not arrive on time, had, under Bunton's orders, turned them out again, an hour before. Bunton pretended that he did not expect the coach. The herder was sent out immediately after the horses, and returned at dark with the report that he could not find them. Rumsey then requested "Little Frank," a Mexican boy in whom he had confidence, to go in search of the horses. He too soon returned with the report that they could not be found. This "Little Frank," a few weeks afterwards, told Rumsey that the horses were near at the time, but that before he started to look for them, Bunton told him that if he did not report them to be missing he would kill him.

A night with Bill Bunton was unavoidable, and the passengers at once determined to "make a night of it." Bunton entered into the spirit of the occasion with them. Whiskey was provided. They drank themselves hilarious, sang, related adventures, and caroused until daylight; but, to Bunton's disappointment, without becoming intoxicated, and never forgetting, meantime, their exposure to robbery, or the convenience of a revolver in the belt.

At daylight two herders were sent for the horses. One returned at eight o'clock, with the report that they could not be found. An hour afterwards the other brought in the same horses that came with the coach the previous evening. "Necessity knows no law," and so with a pair of these for leaders, and two worn-out wheelers, the coach was soon declared ready for a start. Just at this time, Oliver's coach from Bannack drove up, *en route* for Virginia City, and fresh drinks were called for. In the mean time a rough by the name of Bob Zachary, who was going to Bannack with a couple of horses, insisted that Wilkinson should bear him company and ride one of them. They departed on a canter in advance of the coach, and were soon out of sight. Bunton, who had been distributing liquor among the passengers of the coaches, and trying to make himself generally agreeable, came out with the bottle and a tumbler to give Rumsey a drink.

"Wait a few minutes, Billy," said he, "and I will ride to Bannack with you. These passengers will be gone in a moment."

"Get up on the box with me," replied Rumsey. "These old 'plugs' at the wheel will need pretty constant whipping, and my exercise in that line yesterday has lamed my arm."

"I'm a good whipper," Bunton responded, laughing, "and if there's any 'go' in them, I can bring it out. They're a pair of 'played out' wheelers that had been turned out to rest, and I think we'll fail to get them beyond a walk, — but we'll give them a try."

The weather was cold and blustering. The curtains of the coach were fastened down. Percy, Madison, and "Bummer Dan" got in, and Bunton mounted the box beside Rumsey. The horses began to weaken before they reached the crossing of the creek, less than a mile away. There the road entered the gulch. Bunton, who had succeeded, as he intended, in tiring the horses, surrendered the whip to Rumsey and got inside the coach. He knew what was coming. Rumsey whipped up the wheelers, but could not urge them into any faster gait. Cursing his "slow poke of a team," his eye caught the figures of two horsemen entering the gulch from a dry ravine a few rods in front of the coach. They were wrapped in blankets, with hoods over their heads, and armed with shotguns. Instantly the thought flashed through his mind that they were robbers.

"Look! boys, look!" he shouted. "See what's coming. Get out your arms. The road agents are upon us."

The eyes of every man in the coach were peering through the loopholes at the approaching bandits. Madison, the first to discover them, was searching for his pistol, when the robbers rode up, and in broken Irish, and assumed tones, with their guns aimed at the coach, yelled, —

"Up with your hands every one of you."

This formula, always used, was generally concluded with an abusive epithet. Bill Bunton, who had a part to enact, threw up his hands and in an imploring voice, exclaimed, —

"For God's sake don't kill me. You are welcome to all my money, — only spare my life."

The other inmates raised their arms as commanded.

"Get out," shouted the robbers, "and hold up your hands. We'll shoot every man who puts his down."

The passengers descended hurriedly to the ground and stood with their arms upraised, awaiting further orders. Turning to Rumsey, who remained on the box holding the reins, the robbers ordered him to get down, and remove the arms from the passengers.

Not easily frightened, and anxious to escape a service so distasteful, Rumsey replied, —

"You must be fools to think I'm going to get down and let this team run away. You don't want the team. It can do you no good."

"Get down," said the robber spokesman with an oath as he levelled his gun at Rumsey, "or I'll shoot the top of your head off."

"There's a man," said Rumsey, pointing to Bunton, "who is unarmed. Let him disarm the others."

"Oh!" replied Bunton in a lachrymose tone, "I'll hold the horses — I'll hold the horses, while you take off the pistols. Anything — anything, only don't shoot me."

"Go then, and hold the horses, you long-legged coward," said the robber; "and now," he continued, levelling his gun at and addressing Rumsey, "get down at once, and do as you've been ordered, or you'll be a dead man in half a minute."

The order was too peremptory to be disobeyed. Rumsey tied the reins to the brake-handle, and jumped to the ground.

"Now take them arms off," said the robber, "and be quick about it too."

Removing the two navy revolvers from "Bummer Dan," Rumsey sidled off slowly, with the hope of getting a shot at the ruffians; but they, comprehending his design, ordered him to throw them on the ground. As the choice lay between obedience or death, he laid them down, and was proceeding very slowly to remove the pistols from the other passengers, with the hope that by some fortunate chance a company of horsemen or some friendly train would come to the rescue before the villains could complete their work.

"Hurry up there," shouted the robber. "Don't keep us waiting all day."

After the passengers were freed of their arms, and the arms piled up near the road agents, the speaker of the two ordered Rumsey to relieve them of their purses. Bunton, who had all the time been petitioning for his life, took out his purse, and throwing it towards Rumsey, exclaimed, —

"There's a hundred and twenty dollars, — all I have in the world. You're welcome to it, only don't kill me."

All this while, the men, not daring to drop their hands, directed Rumsey in his search for their purses. He had taken a sack of gold dust from Percy, one from Madison, and two from "Bummer Dan," and supposed his work to be completed.

"Have you got all?" inquired the robber.

"All I could find," replied Rumsey.

Turning to Madison, the robber asked, pointing to the sacks, —

"Is that all you've got?"

"No," said Madison, nudging his pocket with his elbow, "there's another in this pocket."

The road agent, in an angry manner, cursing Rumsey for trying to deceive him, ordered him to take it out: —

"Don't you leave nothing," was the stern, ungrammatical command.

Rumsey took the purse, and having added it to the pile, was about to resume his seat on the box.

"Where are you going?" shouted both the robbers.

"To get on the coach, you fools," retorted Rumsey. "You've got all there is, and we want to go on now."

"Go back there, and get the big sack from that Irish bummer," said one of the robbers; and pointing his pistol at Dan, he added, "You're the man we're after. Get that strap off your shoulder."

Poor Dan! His money was very dear to him, but his life was dearer. As he could not save both, he commenced at once to remove the strap. Rumsey came up, and tried to pull it out, but finding it would not come, stepped back, while Dan was engaged in unbuckling the belt.

"Jerk it off," shouted the robber, "or I'll shoot you in a minute."

"Give him time," interposed Rumsey: "you'll not kill a man when he's doing all he can for you."

"Well, hurry up, then, you awkward blackguard. We have no time to lose."

As soon as the belt was loosed, Dan drew forth a large, fringed, buckskin bag containing two sacks, which he handed to Rumsey, who tossed it on the heap.

"That's what we wanted," said the robber. "Now get aboard all of you, and get out of this as fast as you can; and if we ever hear a word from one of you, we'll shoot you on sight."

They obeyed with alacrity. Bunton resumed his seat beside the driver, and commenced whipping the horses, observing, as they rode off, that it was the hottest place he was ever in. At a turn in the road, Bunton looked back. The bandits had dismounted. One held the horses; the other was picking up the plunder, which, in all, amounted to twenty-eight hundred dollars. After gathering up their booty, the robbers galloped rapidly over the Indian trail leading to Bannack, arriving there in advance of the coach.

When intelligence of the robbery reached Bannack, public indignation was aroused, but the time had not yet arrived for action. Had the robbers been recognized, they would have fared hard on their return to Bannack, but the people felt that it was better not to strike, than strike at random.

George Hilderman, one of the robber gang, was present at the express-office on the arrival of the coach, seemingly as much surprised as any one at the intelligence of the robbery. His real object, however, was to observe whether the passengers had recognized the ruffians. If so, he was to report it to them, that they might keep out of the way. "Bummer Dan," doubtless, had in his employ some person in the confidence of the robbers; otherwise, his efforts to avoid them might have been successful.

It was afterwards ascertained that Frank Parish and Bob Zachary were the men who committed the robbery. Bill Bunton, being in the secret, aided as much as possible in delaying the coach over-night at Rattlesnake, and supplying it with worn-out horses for the trip from his ranche to Bannack. "Bummer Dan" and Percy recognized the robbers, but were restrained by personal fear from exposing them.

No man in this company was more feared by the ruffians than Rumsey. They could not frighten him, and no warning of his friends prevented him from fully expressing and ventilating his opinions concerning them. Nothing would silence his denunciations, but his death; and this being resolved upon by the robbers, they prepared to improve the opportunity afforded by his return to Virginia City, to accomplish it. It was so late in the day when he arrived at Dempsey's, that he concluded to pass the night there. Boone Helm, who had been awaiting his appearance, met him in the bar-room soon after his arrival, and invited him and other persons present to drink with him. Rumsey drank with the company two or three times. Helm called for more drinks.

"I've had enough," said Rumsey, declining to drink more.

"Take another, take another," said Helm. "It's good to keep the cold out."

"Not another drop," replied Rumsey: "I know my gauge on the liquor question, and never go beyond it."

"You *shall* drink again," said Helm, with an oath, casting a malicious glance at Rumsey.

"I *won't* drink again," was the immediate reply, "and no man can make me."

"No man can refuse to drink with me and

live," replied Helm, seizing his revolver as if to draw it.

Rumsey was too quick for him. Before the desperado could draw his pistol, Rumsey had his levelled at his head. Addressing him in a calm, steady tone, he said, —

"Don't draw your pistol, or I'll shoot you, sure."

The men gazed sternly upon each other for a minute or more, Helm finally loosing his grasp of his pistol, and saying, —

"Well, you're the first man that ever looked me down. Let's be friends."

The courage of Rumsey inspired the robber with a respect for him which probably saved his life, as no further molestation was offered him on his way to Virginia City.

Percy was the proprietor of a bowling alley in Bannack. The roughs, in frequenting his saloon, would leave their horses standing outside the door; and he had so often seen the animals and accoutrements of each, that he easily recognized the robbers by their horses and saddles. When the coach arrived, Percy saw Frank Parish take Henry Plummer to one side, and engage in conversation with him. In a few minutes, Plummer came to Percy, and asked him if he knew the robbers. Percy replied, —

"No; and if I did, I'd not be such a fool as to tell who they were."

Plummer tapped him on the shoulder, and replied, —

"You stick to that, Percy, and you'll be all right. There are about seventy-five of the worst desperadoes ever known on the west side of the mountains, in the country, in a band, and I know who they are."

Bunton, after this robbery, used occasionally to accost Percy in a playful manner, with such language as, "Throw up your hands;" or, "We were fools to be robbed, were n't we?" Percy, knowing that Bunton was one of the gang, soon tired of this; and one day at a race-course, when thus saluted, remarked, with unmistakable displeasure, —

"That's played out."

The words were scarcely uttered, when Bunton raised his pistol and fired at him. The ball grazed Percy's ear. Jason Luce, a driver of Mr. Oliver's express, stepped up and said to Bunton, —

"If you want to fight, why don't you take a man of your own size, instead of a smaller one?"

Later in the day, while intoxicated, Luce called Bunton a coward, in the presence of his brother, Sam Bunton. The latter whipped him severely on the spot. Three days later, Luce carried the express to Salt Lake, Sam Bunton following four or five days thereafter. Luce met him at the Salt Lake House.

"We had," said he, addressing him, "a little difficulty in Bannack, and now we'll settle it."

"It's already settled," said Bunton.

"You're a liar," replied Luce, and drawing his knife cut Bunton's throat, killing him on the spot. Luce was arrested, tried, and found guilty of murder. By the Territorial statute of Utah, he was authorized to choose the mode of his execution, from the three forms of hanging, shooting, or beheading. His choice was to be shot, and he was executed in that manner.

Bill Bunton and Sam Bunton were natives of Ohio. Their parents moved to Andrew County, Missouri, in 1839, and thence to Oregon in 1842, when they were respectively sixteen and fourteen years old. The father was a rough, drinking, quarrelsome man, clever, but uneducated.

CHAPTER XXVIII.

LEROY SOUTHMAYD.

Attack upon Oliver's Coach — Leroy Southmayd and Captain Moore robbed by Ives, Graves, and Zachary — Southmayd's Interview with Plummer, at Bannack — Graves's Story to Caldwell — Ives's Boasts — Robbers frustrated in their Designs upon Southmayd on his Return to Virginia City.

Early in the afternoon of a cold day late in November, 1863, Leroy Southmayd, Captain Moore, and a discharged driver known as "Billy" took passage in Oliver's coach at Virginia City, for Bannack. A ruffian equally well known by the cognomen of "Old Tex" and "Jim Crow" stood near, watching the departing vehicle. As Moore's eyes alighted upon him, he said to Southmayd, —

"I am sorry to see that rascal watching us; he belongs to the gang. It bodes us no good."

"Oh," replied Southmayd, laughing, "I think there's no danger. Robbery has 'played out.' These fellows are beginning to understand that the people will hold them accountable for their villanies."

Little more was said about it, the conversation turning to more congenial topics. About three o'clock, the coach, which had made slow progress, drove up in front of Lorrain's, eleven miles from town. While Tom Caldwell, the driver, was changing horses, George Ives and Steve Marshland rode up, dismounted, and asked if they could procure a change of horses. Having ascertained that they could not do so, they ordered feed for those they had been riding, Ives in the mean time carefully avoiding Southmayd. The company fell into a desultory conversation, which Ives abruptly terminated by remarking that he had heard from "Old Tex."

"He is," said he, "at Cold Spring ranche. I must hasten on and overtake him."

The coach soon departed, and Ives and Marshland immediately ordered their horses, and riding rapidly, passed it a short distance below Lorrain's.

Cold Spring ranche was eight miles farther on the stage route. That "Old Tex," who was watching the coach when it left Virginia City, should be there, awaiting the arrival of these two ruffians, occasioned our passengers great uneasiness. They knew almost intuitively that a robbery was in contemplation. When the coach arrived at Cold Spring, the first objects which met their gaze on alighting from it, were the three ruffians Ives, Marshland, and "Old Tex" in close conversation.

After a few moments' detention, Caldwell drove on to Point of Rocks, where the passengers remained until morning. Leaving at an early hour, they proceeded to Stone's ranche, and during their brief stay there, Ives, who had been joined by Bob Zachary and William Graves, known as "Whiskey Bill," made a *detour*, and passed the coach unperceived. The three gentlemanly solicitors of the road trotted slowly on towards Bannack. They were in complete disguise, each one incased in a blanket of green and blue. "Whiskey Bill" wore a silk hat, at that time, perhaps, the only one in the Territory. His sleeves were rolled above the elbows, and his face concealed behind a black silk handkerchief, through the eyelets in which his ferret eyes shone like a couple of stars, in partial eclipse. The gray horse he bestrode was enveloped in a blanket so completely, that only his head, legs, and tail were visible. The horses of his associates were similarly overspread. Ives was masked with a piece of gray blanket, and Zachary with a remnant of hickory shirting. No one, unsuspicious of their presence, however familiar with their persons, would have recognized them.

The coach horses moved forward at their usual rapid rate, bringing the passengers in sight of the horsemen a little before eleven o'clock. Their attention was first attracted by the peculiar costume, and the gun which each man held firmly across his saddle-bow. As they approached them more nearly, Southmayd observed to Caldwell, the driver, —

"They're queer-looking beings, Tom, anyhow."

"They're road agents, Leroy! you may depend upon it," replied Caldwell.

"Well," said Southmayd, "I believe they are, but we can't help ourselves now."

As he said this, the leaders were nearly up with the horsemen. They rapidly wheeled their horses, and presented their guns, — Graves taking in range the head of Caldwell; Ives, that of Southmayd; and Zachary alternately aiming at Moore and Billy.

"Halt!" commanded Ives; "throw up your hands," and on the instant the arms of every man in the coach were raised.

"Get down, all of you," he added.

All but Southmayd jumped to the ground.

He lingered, with the hope that an opportunity might offer to fire upon them.

"Get down," repeated Ives, adding a sententious epithet to the command.

Still hesitating to comply, Ives glanced his eye along his gun-barrel as if to shoot, and in that subdued tone always expressive of desperation, once more issued the command.

Southmayd withstood it no longer, but while making a deliberate descent threw open his coat, thinking that an opportunity might offer for him to use his revolver. Ives, perceiving his object, levelled his gun, and hissed out, in words terribly distinct, —

"If you do that again, I'll kill you!"

The passengers stood with upraised hands by the roadside, under cover of the guns of the robbers. Addressing Zachary, Ives said, —

"Get down and look after those fellows."

This was an unwelcome task for Zachary. Villain as he was, Southmayd says that while he was engaged in searching his person, he quivered like an aspen. Throwing Southmayd's pistol and money on the ground, he was about to renew the search, when Billy, tired of the position, dropped his hands.

"Up with your hands again," roared Ives with an oath, at the same time bringing the terrible muzzles to bear upon the person of the frightened driver. Billy, who felt that it was no time to bandy proprieties, threw them up with more speed than pleasure, realizing that the buck-shot were safer in the barrels than in his luckless carcass.

Zachary now commenced searching Moore, and, taking from his pocket a sack, inquired, —

"Is this all you have?"

"All I have in the world," replied Moore.

Zachary threw it on the heap and came to Billy.

"Give me your pistol," said he. Billy placed the weapon in his hands.

"Is it loaded?" inquired Ives.

"No," replied Billy.

"Give it to him again," said Ives to Zachary. "We don't want any empty weapons."

"My God!" exclaimed Caldwell, as Zachary next approached him. "What do you want of me? I have nothing."

"Let him alone," said Ives; and addressing Caldwell, he inquired, "Is there anything in the mail we want?"

"I don't think there is," answered Tom.

Zachary mounted the box, and commenced an examination, but found nothing. Caldwell scanned the villain narrowly while thus employed, for the purpose, if possible, of recognizing him.

"Don't you do that, if you want to live," said Ives, rattling his gun into dangerous range.

"Well, then," said Tom impudently, "may I look at you?"

The robber nodded a ready assent, as much as to say, "Find me out, if you can."

The search over, Zachary picked up his gun, and stepped back.

"Get up and skedaddle," said Ives to the plundered group. The horses had grown restive while the robbery was progressing, but Tom had restrained them.

"Drive slowly, Tom," said Southmayd to Caldwell in an under-tone, as he ascended the box. "I want to reconnoitre a little," and turned his face to the robbers.

"Drive on," shouted Ives.

Southmayd still continued looking at the robbers as the coach departed, which Ives observing, the villain raised his gun, and yelled,—

"If you don't turn around and mind your business, I'll shoot the top of your head off."

The three robbers then stood together, watching the coach until it was lost to their view.

"By George!" said Leroy, laughing, "I looked down into those gun-barrels so long that I thought I fairly saw the buckshot leap from their imprisonment. It would have afforded me pleasure to squander the bullets in my pistol, on the scoundrel."

Southmayd lost four hundred dollars in gold, and Captain Moore one hundred dollars in treasury notes. As was usual, quite a large number of people were awaiting the arrival of the coach, when it drove up to the express-office at Bannack. Inquiries were immediately made as to the cause of its detention so much later than common.

"Was the coach robbed to-day?" inquired Plummer of Southmayd, as he jumped from the box.

"It was," replied Leroy, taking him by the arm, and by his confidential manner signifying that he was about to impart to him, as sheriff, all he knew about it. Just at this moment, Dr. Bissell, the miners' judge at Virginia City, gave Southmayd a slight nudge, and catching his eye, winked significantly for him to step aside.

"Be careful, Leroy, — very careful what you say to that man."

Leroy gave an appreciative nod, and rejoined Plummer.

"So you have been robbed," said the latter.

"I'm not surprised, — and I think I can tell you who were the robbers."

"Who were they?" eagerly asked Southmayd.

"George Ives was one of them," said Plummer.

"Yes," responded Southmayd, "and the others were 'Whiskey Bill' and Bob Zachary; and I'll live to see them hanged before three weeks."

Southmayd did not know that Plummer's accusation was made for the purpose of detecting his knowledge of the robbers. Bissell, who had overheard Southmayd's revelation to Plummer, said to him soon after, —

"Leroy, your life isn't worth a cent."

George Crisman, who was standing by, added, —

"They'll kill you sure."

Business detained Southmayd in Bannack the succeeding three days. During that time he never met Plummer, who left him immediately after they held the conversation above narrated.

Two day afterwards, while on his way to Virginia City, Caldwell, the driver, met with "Whiskey Bill" at the Cold Spring ranche.

"Did you hear of the robbery, Bill, on my trip out?" he inquired.

"Sure, I did, Tom," replied Bill. "Do you know any of the fellows who committed it?"

"Not I," replied Caldwell, "and I wouldn't for the world. If I did, and told of them, I shouldn't live long."

"That's so, Tom," rejoined Graves. "You wouldn't live twenty-four hours. It's always best to be ignorant in matters of that kind. I've had experience, and I know. I'll just tell you, by way of illustration, about my being robbed in California. One night as my partner and I were riding along, two fellows rode up and told us to throw up our hands. We did so, and they took from us two thousand dollars in coin. I said to 'em, 'Boys, it's pretty rough to take all we've got.' They said so it was, and gave us back forty dollars. A week afterwards I saw 'em dealing faro. One of 'em saw me looking at him, and arose and came up to me, and said in a whisper, 'Ain't you one of the men that was robbed the other night?'—'Not at all,' says I, for I thought if I said 'yes' he would find a way to put me out of the way. 'Oh, well,' says he, 'honor bright! I want you to own up. I know you're the man. Now, I'm going to give you four thousand dollars, just for keeping your mouth shut.' And he kept his promise. So you see, Tom, that I saved my life, and got four thousand dollars for keeping still."

Tom wished somebody would treat him so, but when telling the story, said that he "lacked confidence in human nature, especially where the road agents were concerned." He even ventured the assertion that he "did not believe Graves's story, anyway."

Ives went to Virginia City the day following the robbery. While in a state of intoxication at one of the fancy establishments, he boasted openly of having made Tom Caldwell throw up his hands, and that he intended to do it again. Talking of the robbery with one of the drivers, he said, —

"I am the Bamboo chief that committed that robbery."

"Don't you believe Caldwell knows it?" inquired the driver.

"Certainly he knows it," replied Ives. "He recognized me at once."

As Ives and the driver were riding side by side into Virginia City, on their return from Nevada, the driver saw Caldwell approaching. He motioned him to keep away. Caldwell turned and went away, and was afterwards told that Ives knew he had recognized him in the robbery, and would probably kill him on sight. The driver, who expected that Ives would shoot at Caldwell, had his revolver in readiness to shoot him at the time alluded to, in case Ives manifested such a design.

Meantime, Southmayd, having finished his business at Bannack, was ready to return to Virginia City by the next coach. His friends were importunate for him to remain. On the day he was to leave, Buck Stinson and Ned Ray, on being told of it at the express-office, avowed their intention of accompanying him. The agent then searched for Southmayd, and said to him, —

"For God's sake, Leroy, don't go. These fellows mean to kill you."

"I've got to go," replied Southmayd; "and if you'll get me a double-barrelled shot-gun, I'll take my chances." The agent complied with this request, and the coach left Bannack with Southmayd, Stinson, Ray, and a lad of sixteen years for passengers, and Tom Caldwell the driver. The coach was an open hack. Southmayd sat on the driver's seat with Caldwell, and the boy took the back seat, and facing him were Stinson and Ray on the middle seat. Southmayd said to the boy on starting, —

"If we have any trouble, do you shoot, or I'll shoot you."

"You may be sure I'll do it, too, Southmayd," said the boy. "I'm not afraid of them."

Southmayd kept watch of the two robbers. The drive through the day was undisturbed, until the coach reached the crossing of the Stinking-Water. In the three persons standing in front of the station, Southmayd recognized Bob Zachary, Bill Graves, and another noted rough known as Alex Carter. Stinson shouted, addressing them as road agents. Each was fully armed with gun, pistol, and knife. Southmayd whispered to Caldwell, —

"Tom, I guess they've got us."

"That's so," replied Caldwell.

Caldwell drove on to Cold Spring station followed by the three roughs on horseback, who soon came up. This was the supper station. Two of the robbers left their guns at the door. Carter's was strung upon his back. They entered the house in a boisterous manner, with Zachary, feigning drunkenness, in their lead.

"I'd like," said that ruffian with brutal emphasis and gesture, "to see the man who don't like Stone." The banter was made for the purpose of exciting a quarrel. "Just show me the man that don't like him, or let any man here just say he don't like him, if he wants a healthy fight on his hands," blustered the villain.

No one replied. Seemingly every one present entertained a high opinion of Mr. Stone. Failing to rouse a quarrel, he ordered "drinks all round," bought a bottle of whiskey, and preserved the swagger and braggadocio of a drunken ruffian through supper time.

After supper, and while preparing to leave, Southmayd said privately to Caldwell, —

"Tom, I see through it all. You must take Stinson on the seat with you. I'll sit behind and watch him, and the boy can watch Ray."

When ready to start, and this arrangement was made known to Buck Stinson, he did not relish it, and said, —

"I don't want to ride up there."

"Well, you will," replied Southmayd sternly, pointing to the seat.

"This is pretty rough, isn't it?" said Stinson with an oath, as he mounted to the seat.

The three mounted ruffians, Zachary, Graves, and Carter, started on in advance of the coach. Southmayd and the boy sat with their guns across their knees, watching the motions of their suspected companions. It was near nightfall. Less than half a mile distant from the station, the robbers, who had been riding at an even pace, suddenly wheeled, and in a loud tone gave the command to halt, simultaneously with which, Southmayd levelled his gun upon Carter, and Caldwell and the boy theirs on the other two ruffians.

Carter, stammering with alarm, made out to say, "We only want you to take a drink."

The bottle was passed around, Southmayd and Caldwell barely touching it to their lips. Handing it to the boy, Southmayd gave him an admonitory touch with his foot, — comprehending which, he did not drink. As Carter had not drunk from the bottle, Southmayd feared that the liquor had been poisoned. Returning the bottle, the roughs who received it inquired politely if they did not want any more. The three then wheeled their horses, exclaiming, —

"We're off to Pete Daly's," and, clapping spurs to their horses, they were soon out of sight.

The coach went on six miles, passed Daly's ranche, and drew up at Lorrain's. From this ranche to Virginia City, the road for most of the distance is rough, narrow, and lies through the cañon of Alder Gulch. Nature never formed a fitter stretch of country for successful robbery. Of this our passengers were fully aware, and, anticipating that the designs of the robbers must culminate on this part of the route, Southmayd took Caldwell aside to consult as to the proper course to pursue.

"It's a rough night's work, Tom," said Southmayd, "but the worst is to come. If they attack us in the cañon, there is no possible chance for escape."

"They'll do it, sure," replied Caldwell. "It's only driving into their hands to attempt to go on to-night. Let's leave the coach here and take to the brush. We may then avoid them; or if we meet, it will be where the chances are equal."

Buck Stinson, who had been on the watch for some new arrangement, overheard this conversation. Anxious as he was that the robbery and murder should take place, he knew that if the men escaped, as they assuredly would by the means contemplated, they would bring the whole community of Virginia City on the track of himself and his fellow ruffians. This must be avoided, even though they were frustrated in their design. So he stepped forward, and said to Southmayd and Caldwell in his blandest manner, —

"Gentlemen, I pledge you my word, my honor, and my life, that you will not be attacked between this place and Virginia City."

"If you mean that," replied Southmayd, "we will go on; but if we are attacked, we will certainly make it hot for some of you."

Soon after the horses started, Stinson commenced singing in a very loud voice, and continued to do so without intermission until nearly exhausted. Then, at his request, Ray took up the chorus and kept it up until their arrival in Virginia City. This was a signal to the robbers to keep away. Had the singing ceased, the attack would have been made. Ray called on Southmayd the next day, and warned him, as he valued his life, to mention the names of none of those among the ruffians whom he had recognized, as the ones who robbed him while on his way to Bannack.

END OF THE FIRST VOLUME.

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VIGILANTE DAYS AND WAYS.

VOL. II.

A VIGILANTE EXECUTION.

UNIV. OF MICH.

VIGILANTE DAYS AND WAYS

THE PIONEERS OF THE ROCKIES

77760

THE MAKERS AND MAKING OF
MONTANA, IDAHO, OREGON, WASHINGTON,
AND WYOMING

By

Nathaniel Pitt Langford

WITH PORTRAITS AND ILLUSTRATIONS

IN TWO VOLUMES

VOL. II

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MR. A. J. OLIVER had been running a letter express between Bannack and Salt Lake City during the year, and early in the autumn had substituted for a single saddle horse and pack animal, a small lumber wagon, with conveniences for the transportation of a few passengers. It was, at best, a very precarious mode of conveyance; but as it was the only public one, it was always full.

Mr. Samuel T. Hauser (afterwards appointed Governor of Montana by President Cleveland) and I had been for some time contemplating a trip to the States, and being now ready, I left Virginia City for Bannack, expecting to find the express on my arrival, and make arrangements for our passage to Salt Lake on its return trip. The day before I left, one Ed French had shot at me. The bullet slightly grazed an eyeball, doing no further damage than that of shaking the eye in its socket, and inflicting considerable pain. I contracted a severe cold on the ride to Bannack, which settled in the eye, producing inflammation and temporary blindness. For two weeks I shut myself in a dark room, ulceration in the mean time bringing relief, and restoring sight.

While thus confined, friends occasionally called upon me, and one day I was informed that Ned Ray was in town, and had been making particular inquiries after me. The next day I was told that Buck Stinson was there on the same errand. When I left Virginia City, both of these ruffians were at that place. I was convinced that they had left there to pursue me on the road to Salt Lake City. Ray was observed to watch my boarding-house, on repeated occasions, very closely.

Upon applying to Mr. Oliver for transportation,

GOVERNOR SAMUEL T. HAUSER,
Ex-Governor of Montana.

UNIV. OF MICH.

that gentleman informed me that snow was falling on the Pleasant Valley divide, and that he should abandon the wagon and return to Salt Lake with a pack mule. Disappointed in my expectation of finding a conveyance, I wrote to Mr. Hauser, who came over immediately.

Messrs. Dance and Stuart, wholesale merchants of Virginia City, had arranged to send by us to their creditors at St. Louis, fourteen thousand dollars in gold dust. It was contained in a buckskin sack, and sealed. Clubfoot George, whose honesty none of us suspected, had heard us hold frequent discussions in the store of Dance and Stuart, as to the chances of safely getting through with it to the States.

Hauser was somewhat surprised on entering the coach at Virginia City, to find that he had Plummer for a fellow-passenger. Believing, upon reflection, that Plummer was going to Bannack to plan means for robbing him, he resolved to act as if he had the most implicit confidence in his integrity. He accordingly made no effort to hide the sack from view, or conceal the fact that he was going to the States; talked freely and confidentially, and seemed entirely at ease in Plummer's society. The trip was made in safety, though Hauser confessed that while passing through Rattlesnake cañon, he did not forget the unenviable notoriety which frequent robberies had gained for it. When the coach drove up to Goodrich's hotel in Bannack, he felt greatly relieved, and with the sack of gold enveloped in the several folds of his blankets, entered the sitting-room, where he was met by some old friends, and, as was customary in those days, congratulated on his safe arrival. In a few moments he drew forth the sack, and in the presence of Judge Edgerton and several other leading citizens, turned to Plummer who was standing near, and thus carelessly addressed him: —

"Plummer, I hear that any man who has money isn't safe in this town over-night. I've got fourteen thousand dollars in this bag, which I'm going to take to the States with me when I go, and I want you, as sheriff, to keep it for me till I start."

Plummer took the gold, with a promise for its safe return, which he fulfilled; depositing it for safekeeping in George Crisman's store.

Hauser's friends expressed to him privately their surprise that he should intrust so large an amount to a man of such doubtful reputation.

"Why?" replied he, laughing: "do you think he'll keep it?"

"I should be afraid of it," said one, "especially if he's the man many represent him to be."

"Suppose he should," said Hauser. "You and half a dozen other good citizens saw him take it, and heard him promise that it should be safely returned. He knows, as well as I do, that if he fails to keep this promise, or through any pretence attempts to appropriate the gold, it will go hard with him; whereas, if I should attempt to keep it, he, with others of the roughs knowing that I had it, would kill me if necessary to obtain it. The gold is safer where it is; and while there, is a security for my life."

This was a bold piece of strategy on the part of Hauser, evincing an intuitive insight into the character of Plummer; but not one man in a hundred similarly situated would have thought of adopting it. If Plummer had entertained an idea that Hauser suspected his motives in accompanying him to Bannack, this act of gratuitous confidence must have allayed it at once.

Hauser and I engaged a passage to Salt Lake, of one of a company of eight Mormon freighters, who were to leave Bannack at noon of the 14th of November. We did not wish to leave until seven o'clock in the evening; and the man, impatient of any delay beyond the departure of his companions, finally agreed, for an extra ten dollars paid in advance, to wait for us until five o'clock P.M. If we were not ready then, he would retain the ten dollars, and leave town without us, so as to overtake the other teams, which were to camp that night at Horse Prairie, twelve miles distant. These arrangements were made in George Crisman's store where Plummer had an office, and in the hearing of one of his deputies, who immediately communicated the information to his chief.

Early in the forenoon Plummer called upon Hauser and presented him with a woollen scarf of a bright scarlet color, saying, "You will find it useful these cold nights." A few hours afterwards, a report was circulated of the discovery of a silver lode in the vicinity of Rattlesnake. The person bringing in this intelligence, requested Plummer, who from his experience in Nevada was supposed to be a good judge of the quality of silver ore, to go immediately and examine it. He left early in the afternoon on the Rattlesnake road, but as soon as he was beyond observation, turned southward toward Horse Prairie. Col. Wilbur F. Sanders, who soon followed in the direction of Rattlesnake, returned the next day with the intelligence that he had been unable to trace him.

The circumstance of Plummer's departure, and the presence in town of Stinson and Ray, so wrought upon the fears of our friends for our safety, that it was not without much persuasion that they would permit us to undertake the journey. We were satisfied, however, that, go when we might, we should have to incur the same risk. As a precautionary measure, I carefully cleaned my gun, and loaded each barrel with twelve revolver balls. George Dart, a friend, observing this, asked why I was filling my gun so full of lead. I replied that we were fearful of an attack, and that the indications were that it would be made that night, if at all. Some of our friends endeavored to persuade us to defer our journey till a more favorable time. This we would have done had we not believed that the risk would have to be incurred whenever we took our departure. At the hour of five we were not ready, but the Mormon teamster was prevailed upon to wait for us two hours longer.

Just after seven o'clock, and as we were putting our provisions which we had prepared for our journey in the wagon, Henry Tilden, a member of the household of Sidney Edgerton, then chief justice of Idaho, came in with the report that he had been robbed about midway on his ride from

Horse Prairie, by three men, one of whom he thought was Plummer. This created much excitement; and if our friends had not supposed that we had already left town, we would probably have been forcibly detained.

Either our failure to appear at the time at which our appointment to leave at five o'clock justified him in expecting us, or the belief that Tilden had circulated the news of his robbery, and thereby delayed our departure, caused Plummer to return by a circuitous route to town. He inquired for me at my boarding-house, and being told that both Hauser and I had gone, left town immediately in hot pursuit.

In the wagon with us was one Charles Whitehead, a gambler, who had made arrangements with another of the Mormon teamsters for conveyance to Salt Lake City; but having some business to detain him in town, he availed himself of the circumstance of our late departure, to give it attention. I had frequently seen him in town, but knew nothing about him, save that he was a professional gambler. He might, I thought, belong to the gang and be in some way connected with their present enterprise, and we kept a close watch upon his movements. We rode with our guns double-charged and cocked, lying upon our laps. It was after eleven o'clock when we reached the camp of the advance party. The night was clear and cold; the atmosphere crisp with frost. Whitehead, who had sent his blankets forward by the other teams, found that they had been appropriated by one of the teamsters, who had concluded that we had delayed our departure from town till the following morning. As he was in delicate health, I gave him my place with Hauser in the wagon, and taking a buffalo robe, stretched myself upon the ground beside the wagon.

I could not sleep for the cold, and about three o'clock in the morning, thoroughly chilled, I arose, took my gun in my hand, and walked briskly back and forth before the camp. Finding that this exercise did not greatly increase my comfort, I went down to the bank of the creek thirty yards distant and commenced gathering dry willows to make a fire. While thus employed I strayed down the stream about twenty rods from the camp. Suddenly I heard a confused murmur of voices, which at first I thought came from the camp, but, while walking towards it, found that it was from a different direction. Curiosity now overcame all thought of cold. I dropped the armful of sticks I had gathered, and carefully disentangling the little copse of willows which sheltered me from view, peered through, and saw in the dim moonlight three footmen approaching on the other side of the stream. The thought struck me that they might be campers in search of horses or mules that had strayed. I walked noiselessly down the stream, to a point where I could obtain through a vista an unobstructed view, my trusty gun held firmly in the hollow of my hand. The three men approached the opening through which I was gazing, and I now discovered that their features were concealed by loosely flowing masks. I no longer doubted their identity or purpose. Some little noise that I made attracted their attention to the spot where I was standing. They saw me, and, perceiving that I had recognized them, changed their course, and disappeared beyond a clump of willows.

My first impulse was now to return to camp, and arouse the men, but I concluded not to do so unless it became necessary. One of the Mormons, as I passed by him, roused himself sufficiently to ask me why I was up so early. I replied that I was watching for prowlers. In a few moments I returned to the bank of the creek, and followed it down thirty or forty rods, till I came to a ripple where the water was not more than six inches deep. Stepping into the stream, I waded noiselessly across. The opposite bank was about two feet high, and covered with a willow thicket thirty feet in width. Through this I crawled to the opening beyond, where was the moist bed of a former stream, its banks lined with willows; and in this half-enclosed semicircle, not fifty feet distant from where I was lying, stood four masked men. One of them had been holding the horses — four in number — while the others were taking observations of our camp. After a brief consultation, they hurriedly mounted their horses, and rode rapidly off towards Bannack. These men we afterwards ascertained were Plummer, Stinson, Ray, and Ives. The fortunate change in my lodgings, and the coldness of the weather, and consequent sleeplessness, saved us from an attack whose consequences may be better imagined than described. We made the journey to Salt Lake City in safety; but from the frequent inquiries made of us while there, concerning others who had attempted it before us, we concluded that many had fallen victims who left the mines with better prospects of escape than those which encouraged us. It was the common custom of Mormon freighters to extend their day's journeying far into the evening. Plummer was cognizant of this fact, and there can be no doubt that his purpose in presenting Hauser with the scarf was, that he might single him out from the rest of the party after nightfall. It is a coincidence that Plummer was hanged on the succeeding anniversary of Hauser's birthday, January 10, 1864.

Our trip of fifteen days, with the thermometer ranging from zero to twenty degrees below, was not unrelieved by occasional incidents which we recall with pleasure. Among these, of course, we cannot include the cold nights we were obliged to pass upon the frozen earth. But we found an inexhaustible store of amusement, not unmingled with admiration, in the character of our Mormon conductors. Simple-hearted, affable, and unsophisticated, with bigot faith in their creed, studious observance of its requirements, and constant reliance upon it both for assistance in difficulty and pastime, they afforded in all their actions a singular contrast as well to the unregenerate Gentiles, as to the believers among older sects. They were not only sincere in their belief, they were enthusiastic. It was the single element which governed their lives: they idolized it, and neither reason, which they at once rejected, nor ridicule, which they silently abhorred, could shake their religious credulity. We engaged in frequent discussions with them, prolonging the evening camp-fire sittings with arguments which broke like the waves of a summer sea upon the rock of simple faith. Theology with them was restricted to the revelations of Joseph Smith, and the counsels of Brigham Young. These contained the precious elements of their belief.

While passing over one of the divides, I recited to Hauser with such marked emphasis as I could command, Milton's description of "The meeting of Satan and Death at the gates of Hell." The stirring passage immediately absorbed the attention of our Mormon driver. The serious cast of his features during the recitation attracted our attention; and soon after we had camped for the night, while supper was in the course of preparation, he was heard to remark to a brother teamster, —

"I tell you, the youngest of those men in my wagon, the one that always carries that double-barrelled shot-gun, is a powerful talker. I heard him harangue t'other one to-day for half an hour, and he talked mighty fine. He can overlay Orson Hyde and Parley Pratt, both, and I rather think it would trouble Brigham Young to say nicer things. And after all, he had pretty much the same ideas that we have." Evidently, the man had regarded the recitation and its delivery, as an impromptu exercise.

When the labor of the day was over, and they were seated around the evening camp-fire, their thoughts were engrossed with matters appertaining to their religion. Temporal cares were seemingly forgotten. Fully instructed in the doctrinal points of their faith, they readily met and disposed of our arguments upon principles familiar to all Christian denominations. The golden plates of the book of Mormon, the inspirational powers of Joseph Smith, the transforming virtues of the Urim and Thummim, were as sacred in their creed as the miracles of the Saviour. No argument could shake their confidence in Brigham Young, whom they regarded as the vicegerent of the Almighty himself. This belief was sanctified by an immutable promise, that the time would come when the Mormon religion would embrace the whole family of man. When we spoke lightly of these things, or expressed doubt concerning them, they reproved us kindly, and expressed their regret at our stubbornness and impiety. These discussions, which were frequent, and indulged in more for pastime than instruction, convinced us of the sincerity of the Mormons as a people. They believe with enthusiasm too, and among them may doubtless be found many who would suffer martyrdom as readily as did Ridley and Latimer, for the precious promises of their faith. Often when not occupied in discussion, they would all join in singing a religious hymn. A verse from the one which most frequently taxed their vocal powers, I well remember: —

"Brigham Young is the Lion of the Lord.
He's the Prophet and revealer of his word.
He's the mouth-piece of God unto all mankind,
And he rules by the power of the Word."

Sometimes they would unite in a household song — the leader, representing the head of the family, commencing, —

"The Mormon man delights to see
His Mormon family all agree;
His prattling infant on his knee,
Crying, 'Daddy, I'm a Mormon.'"

Then all would join in the chorus, as the representatives of the female part of the household, —

"Hey, the happy! Ho, the happy!
Hi, the happy Mormon!
I've never known what sorrow is,
Since I became a Mormon;"

occasionally varying it thus, —

"Hey, the happy! Ho, the happy!
Hi, the happy Mormon!
I never knew what joy was
Till I became a Mormon;"

the word joy being divided in the singing to jaw-wy, to accommodate the metre.

On the evening of the day before we entered the Mormon settlements, the leading man of the company beckoned me aside, and referred to our trip down, which he said had been a pleasant one.

"We have had," said he, "some warm discussions about our religion, and you gentlemen, as our boys think, have been rather hard on us. But the journey is now about over, and we'll not mind it. I sought this opportunity, however, to give you a word of caution, for I feel friendly to you. While you are at Salt Lake City you mustn't talk as you have to us."

"Why?" I inquired.

"Because they don't allow it. Were you ever at Salt Lake?"

"No."

"Well, you'll find out when you get there how it is. They are very severe upon people who talk as you have talked to us. Should you do it, you may be assured you'll never leave the city alive. I thought I'd put you on your guard." As he left me, he added, —

"Don't say a word to the boys about what I've told you, but keep an eye to your conduct. If the bishop knew I had told you this, it would go hard with me."

Thanking him for the advice, we soon after separated; and on our arrival at Salt Lake City, a day or two afterwards, in conversation with a leading Mormon with whom we had business, we told him of the advice we had received, without committing our friend by name.

"That was good advice," he replied, with a significant nod, "and if adhered to will keep you out of trouble."

CHAPTER II.

COLONEL SANDERS AND GALLAGHER.

RUMORS OF SILVER LODE DISCOVERIES — PLUMMER LEAVES BANNACK FOR RATTLESNAKE — FOLLOWED BY COLONEL SANDERS — A RUSE — ARRIVAL OF JACK GALLAGHER — SEEKS A QUARREL WITH SANDERS — GOOD FEELING RESTORED IN THE USUAL WAY — SANDERS SUMMONED BACK TO BANNACK — ANXIETY FOR HIS SAFETY — HENRY TILDEN'S NARRATIVE — PLUMMER'S CRAFTINESS.

ON the day of the departure of Hauser and myself for Salt Lake City, as described in the preceding chapter, an episode occurred affecting Colonel Sanders, which illustrates in some degree the condition of society at that time.

During the day a number of young men of Bannack City, all known in the town, and some living there, saddled their horses and rode from saloon to saloon, indulging in drink, and otherwise busying themselves until about three o'clock P.M. Among these was Plummer.

Vague rumors had been extant for some time, that there were in this portion of Idaho (now

Montana), quartz lodes of silver; but none up to this time had been discovered, or, if discovered, the fact had not been made known publicly. A number of quartz lodes of gold of very considerable value had been recorded, but they were considered in the popular mind as of secondary value. The "Comstock" lode was at this time pouring forth its treasures; silver had not fallen under the ban which subsequently environed it, and there was a great eagerness on the part of miners and other citizens to acquire interests in silver mines.

It was apparent that the horsemen on the streets were making ready for some journey into the country, and it took but a moment to arouse suspicion that they knew where these reported silver mines were, and were going out to organize a mining district, and record the claims.

Col. Samuel McLean, the first delegate in Congress from Montana, who had an eager eye for mines, and an equally eager desire to obtain them, told Colonel Sanders that unquestionably the hope of these men was to record the silver mines already discovered, and was quite anxious that he should accompany the party.

In response to this request, Colonel Sanders volunteered to ascertain whether this was the errand of this party or not, and at once proceeded to find Plummer, and interrogate him as to his destination.

Plummer professed to be on some errand for the public good — rescuing a herd of horses belonging to citizens, from Indian thieves, who, he said, would certainly make way with them, unless they were at once taken charge of by himself.

Colonel Sanders was incredulous as to this story, and so expressed himself to Mr. Plummer, saying that he was satisfied that the party were going to the new silver mines, with the purpose of staking them off and recording them. Plummer denied any such destination, or, at least, said if that was the intention of his colleagues, he had no knowledge of it, and that if such should turn out to be the case, contrary to his expectations, he would cheerfully secure for Colonel Sanders a claim. To this it was replied that his party might object to his securing a claim for an absentee, and the colonel expressed a purpose to accompany the party. Plummer cordially invited him to do so, probably knowing that there was not a horse in any of the stables in town that was obtainable for such a journey; but suddenly reflecting upon the matter, he replied that there was no such errand in view, and if his comrades objected to his obtaining a claim for Colonel Sanders because he was an absentee, he would very cheerfully convey his own to him, saying that he could obtain quartz lode claims whenever he so desired.

With this understanding, which Colonel Sanders sought to impress upon his mind so that he would not forget it, the party, in knots of two and four, left the town in an easterly direction towards the point where Plummer had stated they were going that evening, which was about fifteen miles distant, and where he said they would remain over-night at the ranche of Parish, Bunton and Co., on Rattlesnake Creek, and the next morning would proceed to obtain the horses that were in such danger of being stolen.

This ranche was perhaps the best known of any in the Beaverhead country at this time. Plummer himself had denounced its proprietors as cattle thieves, and had threatened to have them arrested for that high crime, but had never done so. At this particular time the senior member of the firm was sick with fever, and it was thought that he could not long survive.

The morning coach which had brought Plummer and the other passengers from Virginia City, had also brought one Dr. Palmer, a medical practitioner at Virginia City, who had been sent for to attend and treat the case of Mr. Parish.

The wife of Parish was a Bannack squaw; and Plummer had stated that he had examined Parish when at his ranche in the morning, and had concluded that he could not survive more than a day or two, and that, the instant he died, his wife would take all the horses belonging to parties for whom Parish, Bunton and Co. were keeping them, and would join her tribe on the west of the mountains near Fort Lemhi; and in order to save these horses for the owners, it was necessary that the sheriff should proceed to take them on general principles, and without any writ for that purpose.

Never doubting but that Plummer was relating the truth, the people of Bannack saw his party quietly climb the eastern hill, and disappear over one of its declivities. A single member, delayed from some cause or other, lingered behind in the town.

After the party had left town, several gentlemen suggested to Colonel Sanders, that he should endeavor to overtake them, and volunteered to furnish a horse and saddle if he would do so, with a view to obtaining for himself and themselves, if possible, some interest in the silver quartz mines which they believed would the next morning be staked off and recorded.

Colonel Sanders proceeded to his house, took the inevitable accompaniments of a traveller, his blankets, robes, revolvers, etc., and returned to the town, where a somewhat diminutive mule, saddled and bridled and ready for the fray, was presented to him for his journey. Mounting the animal, he started on the trail of the party, who had one hour or more the start of him, on his way to Rattlesnake ranche, the property of Parish, Bunton and Co.

The mule at times was recalcitrant in the early part of the journey, but finally settled down and jogged along at a mild speed towards his destination.

Tracks of the horsemen were plainly discernible in the road until he reached a point near the summit of the range of mountains between the Grasshopper and Rattlesnake, when they disappeared.

Upon arriving at the top of the hill, as is not unusual on the top of these mountain ranges, a snow storm burst upon the lone traveller, accompanied by a high wind, and in half an hour the disintegrated granite in the road, which was dry, mixed with the snow so as to cause the mule to accumulate on his hoofs large quantities of the dust and snow, to such an extent as to make speed impossible, and travelling very difficult.

The colonel dismounted and drove his mule in front of him, eight miles, to the ranche, where he confidently expected to find a good-natured, hilarious crowd spending the evening. Judge of his surprise, when he entered the room, to find the only person in it was Erastus Yager, whose actual name not one in a thousand knew, but who was universally known as "Red." He was the Boniface and *major-domo* of the place.

To the inquiry, "Where is Plummer?" he replied that he was not there, and had not been there; and so, after reflecting a moment, the colonel had his mule put in the corral. He then sat down by the side of a very cheerful fire, made of the dry cottonwood obtainable not far distant, which blazed in a very ample fireplace such as in modern times is practically unknown, beguiling his disappointment as best he could.

Dr. Palmer was already asleep in the room, so the colonel unrolled his blankets, preparatory to making his bed on the floor, whereupon Yager invited him to sleep on the bed, a straw tick filled with swale grass, quite ample in its size, lying upon the floor in front of the fire; and, accepting this hospitable offer, he spread his blankets on the tick, and in a few moments had retired.

William Bunton, one of the proprietors of the establishment, appeared from the back room where his partner lay ill, and retired also upon the straw tick, and shortly after, Yager followed suit, when the three, in one bed, were all soon in a sound sleep.

About two hours after they had retired, a boisterous noise was made upon the door by some individual who was outside, who also hallooed as loud as he could for admittance.

Yager got out of bed and proceeded around to the back of the bar where the liquid refreshments, so called, were dispensed, and lighted a candle, and taking in his hands a large shot-gun which stood in the corner, started to the door and demanded to know who was there. After some hesitancy, he was told it was "Jack," whereupon he proceeded to take down the bar that was across the door, and so fastened at each end as to effectually serve the purpose of a lock. He then opened the door, and in stalked a member of Plummer's party, the one who had remained in town behind the rest, and known all over that mining country as "Jack" Gallagher.

He was in very ill-humor. He had been looking for his party, and had been disappointed in not finding them, finally seeking shelter from the storm at the Rattlesnake ranche.

He said the snow had so covered the road that it could not be distinguished. He had been lost on the prairie and finally found the Rattlesnake. He said he had ridden up and down the valley a number of miles and failed to find the ranche. He complained that they had no light burning.

He said he was very hungry and that he wanted a drink. A bottle was set out for him, and he imbibed pretty freely once or twice. He then wanted something to eat without delay. He was informed that there was nothing to eat in the house, that the lady of the house had all she could do to take care of her husband, who was very ill and who would not probably recover, and that they were not prepared to entertain guests.

He expressed an entire indifference to the misfortunes of the household, and said he must have something to eat if it was no more than some bread, and became so importunate that Yager went to the back part of the house, and soon returned with a large tin pan partially filled with boiled beef. The pan was placed upon the bar, and Gallagher did ample justice to its contents, refreshing himself from time to time by frequent libations from the bottle of whiskey.

He told Yager that he could not stop all night, but must find his party. He thought it would be necessary for him to have a fresh horse, and he wanted to trade a very excellent animal which he had ridden to the ranche for a fresh one.

Yager thereupon told him that he had no horse that he desired to trade, but Jack affirmed that he had, and furthermore insisted that he should accommodate him by trading.

Their wrangling had awakened Colonel Sanders, and also Mr. Bunton, who finally called Yager to the bedside and told him to trade off that horse of Oliver's that was in the corral, if Jack would have a horse trade.

The importunities of Gallagher for a fresh horse were continuous; and finally Yager coyly confessed that they did have a horse in the corral, which was not such a horse as Gallagher wanted, and one that they did not desire to get rid of, being a favorite animal for riding, — not specially desirable for its speed, but for wonderful bottom, able to travel a hundred miles in a day, and after being turned out at night, it would be ready for a like journey the next day. In fact, it was so good a horse that Yager wanted it for his own use, and it was not for sale, — much less did he desire to trade it for as poor a horse as the one Gallagher had ridden there (which in truth was a very noble animal).

After a great deal of negotiating and a good many drinks, Gallagher agreed to pay sixty dollars to boot, and they consummated the trade.

Colonel Sanders had been very much disappointed at not finding the party he was in search of, and having an opportunity at the close of the horse trade, he inquired of Gallagher if he knew where Plummer was. It seemed to him a harmless question, and he did not expect any one would become excited by so simple an inquiry, as he lay on his back on the straw tick.

The instant the question was asked, Gallagher jumped from the bar where he was standing to the side of the bed, and placed his cocked revolver at the colonel's head, all the while hurling imprecations upon him, and threatening to "shoot the whole top of his head off."

The result, for the instant, upon the colonel is described by himself as being very peculiar. He said he could count each particular hair in his head, and that it felt like the quill of a porcupine. Not enjoying the situation, he made a quick movement, getting his head out of range of Gallagher's revolver, and springing to his feet, in an instant was behind the bar, where "Red" was standing. Sanders seized the shot-gun which was used by Yager in admitting his guests in the night, and levelled it across the bar directly at

Gallagher. The opportunity which had been afforded Gallagher to shoot Sanders had not been improved by him till it was too late; and as soon as the gun was aimed at him, with an air of bravado he placed his revolver on a pine table that stood near him, the normal use of which was card-playing, and pulling aside his blue soldier's overcoat which he wore, he said, "Shoot."

Colonel Sanders replied that he had no desire to shoot, but if there were any shooting to be done, he *did* desire to have the first shot.

At this somewhat exciting stage of the game, Bunton, who had hitherto kept silence, reprimanded the actors in this little drama somewhat severely, saying that his partner was at the point of death in the back room, and he would not have any noise in the house.

Yager also joined in the conversation, and deprecated any such difficulty, saying to Gallagher that he was blamable for having been the cause of the disturbance, Gallagher meanwhile standing with his coat open, as if waiting to be shot down.

Yager continued his suave and conciliatory remarks to Gallagher, and said finally that he thought Jack owed Sanders an apology, and that all had better take a drink.

A double-barrelled shot-gun is a powerful factor in an argument; its logic is irresistible and convincing; and under its influence Jack finally relented, and said that he guessed he had made a fool of himself, and invited the colonel to have a drink, — who up to this time had maintained a position of hostility; but, becoming satisfied of the sincerity of Gallagher's assurances, he placed the shot-gun behind the bar, and the entire party joined in a pledge of amity over a bottle of "Valley Tan," a liquor well known throughout the mountains, and a production of the Mormons of Salt Lake Valley.

Some controversy then arose as to who should pay for the liquor. Yager claimed the privilege, but Gallagher said it was his row, and it should be his treat, and that the man who wouldn't drink with him was no friend of his. The affair was finally compromised by allowing Gallagher to order another bottle of "Valley Tan," and the actors in this scene dared fate by taking another drink. This was, doubtless, the easiest method of settling the difficulty and appeasing the wrath of Gallagher; and my readers will doubtless agree with Sanders in thinking that the circumstances of duress which surrounded him, ought not to impair his standing as a Son of Temperance.

After this renewed pledge of friendship between all the parties, Yager and Gallagher withdrew to exchange horses, and in a few moments the latter was on the road in pursuit of his comrades. Yager returned to bed, and all at the ranche were soon sound asleep. About two hours thereafter, there was heard another tumultuous rapping at the door, and the voice of somebody, seemingly very angry, demanding admittance. Yager exercised the same precaution as before, with his light and gun, and finally opened the door, when in came Jack Gallagher, with his saddle, bridle, blankets, and shot-gun, and threw them all down upon the floor, saying that he had been lost since he left the ranche, that his horse was not good for anything, and he wanted the fire built up.

He was accommodated; and as there was not room for more than three on the bed, he spread his blankets on the floor at its foot, in front of the fire, and soon all were asleep once more. However, they were not destined to enjoy this peace very long, for shortly after they had all dropped asleep, there came another tumultuous rapping at the door. Yager arose, armed himself once more, and going to the door demanded to know what was wanted. It proved to be Leonard

A. Gridley and George M. Brown, from Bannack. They inquired for Colonel Sanders, and being informed that he was there, and invited in, they declined, and asked that he come out.

The colonel went out and joined the two men, when he was told that they had been sent by his wife to ascertain his whereabouts and bring him home; and they related to him the events now to follow.

On the morning of the preceding day, a young man named Henry Tilden, who had accompanied Chief Justice Edgerton and Colonel Sanders from their homes in Ohio to Bannack City, had been sent to Horse Prairie, ten miles south of Bannack, to gather together a herd of cattle owned by them and to drive the same into town.

It was rather late when he left Bannack, and as the cattle were somewhat scattered, night came upon him before he had got them all together. He therefore put those he had found in a corral, and having decided to go to the town and spend the night, and return the next day to find the rest, he started in the darkness for Bannack.

He was a young man used to quiet and peace, and wholly untrained in the experiences he was about to undergo. Midway between Horse Prairie Creek and Bannack, as he was riding along at a gallop, he saw in front of him several horsemen. He was somewhat startled, as he was not prepared to meet men under such conditions and in such a country. He gathered courage as he rode, and proceeded along the highway until he came up with the horsemen, who produced their revolvers and told him to throw up his hands and dismount, a request with which he quickly complied, notwithstanding the impolite manner in which it was conveyed. They "went through" his pockets, he meanwhile maintaining a very awkward position with his hands in the air above his head. Finding nothing, they told him to mount his horse and proceed on his way, telling him further that if he ever dared to open his mouth about the circumstance, he would be murdered, or, in their expressive language, they would blow the top of his head off.

The young man started towards Bannack, and as soon as he was out of sight of the robbers, rode his horse at its utmost speed.

He finally reached Colonel Sanders's house on what was known as "Yankee Flat," not, however, until he had been thrown from his horse, while crossing a mining ditch, and had lain on the ground for a period of time which he could not himself determine, being unconscious.

He told his story of having met the robbers, and further stated, that he knew the parties who had "held him up," particularly one of them, who had held a revolver at his head and who seemed to be a leader among them, and this man was Henry Plummer.

Mrs. Sanders then went with him to the house of Chief Justice Edgerton, where he related again the story of his meeting the highwaymen, and was cautioned to say nothing about it.

As the party whom Colonel Sanders had started to find and travel with had been found going in an opposite direction, and engaged as highway robbers, it naturally excited and alarmed his family, and the result was, that they, finding a team which had come into town late that night, procured the horses, and mounted Gridley and Brown and sent them to the Rattlesnake ranche to find the colonel. The next morning Plummer and all the men who had gone with him were in town, appearing as unconcerned as if nothing unusual had occurred.

Colonel Sanders did not at first share Tilden's belief concerning the *personnel* of the troop of robbers and his identification of Plummer, but nevertheless, as a precautionary measure, he admonished Tilden not to communicate his beliefs to any one, assuring him that if his conjectures were correct, and an expression of them should ever reach Plummer's ears, it would go hard with him. Two or three days thereafter, Plummer approached Tilden, and gazing fixedly upon him, abruptly asked if he had any clew by which the robbers could be identified. Tilden, though greatly frightened by this inquiry, gave him an answer which allayed whatever suspicion the wary robber might have entertained. But Tilden himself, in relating the incident to his friends, never wavered in his convictions. There were many among the better class of citizens of Bannack who had for a long time suspected Plummer, and believed him to have been engaged in numerous murders and highway robberies, which were of such frequent occurrence as to scarcely cause comment; and when it was determined on the afternoon of January 10, 1864, that Plummer should be hanged, Tilden was sent for and related his story in detail, which convinced all who heard it, of Plummer's guilt.

Within sixty days after Colonel Sanders's adventure at the Rattlesnake ranche, he was the sole survivor of the party there assembled, the others having been executed by the Vigilance Committee, and Plummer and his associates in the attempted robbery of Hauser and myself had met the same fate.

But little is known of Gallagher's early history. He was born near Ogdensburg, New York. He was at Iowa Point, Doniphan County, Kansas, in October, 1859, and in Denver from 1862 till early in 1863. At this latter place he killed a man in an affray, and fled, next making his appearance in the Beaverhead mines. During the summer of 1863, he shot at and badly wounded a blacksmith by the name of Temple, for interfering to prevent a dog-fight. After this he became uneasy, and finally determined upon leaving the country, and started for Utah. On the Dry Creek divide he met George Ives, who persuaded him to return to Virginia City, and join Plummer's band.

CHAPTER III.

ROBBERY OF MOODY'S TRAIN.

ROBBERY OF MOODY'S TRAIN BY DUTCH JOHN AND STEVE MARSHLAND — FIRST MEETING OF THE ROBBERS IN BLACK TAIL DEER CAÑON — SECOND MEETING AND ATTACK ON RED ROCK DIVIDE — BOTH ROBBERS WOUNDED AND ESCAPE — REPRISALS BY THE PURSUING PARTY.

ONE cold morning, a few days after the attempted robbery of Mr. Hauser and the writer, a train of three wagons, with a pack-train in company, left Virginia City for Salt Lake. Milton S. Moody, the owner of the wagons, had been engaged in freighting between the latter place and the mines ever since their first discovery. His route on the present trip lay through Black Tail Deer, Beaverhead, and Dry Creek cañons, so named after the several streams by which they are traversed. Bannack was left twenty miles to the right of the southern angle in the road at Beaverhead cañon, and, with the exception of three or four ranches, there were no settlers on the route.

Among the packers were Messrs. John McCormick, M. T. Jones, William Sloan, John S. Rockfellow, J. M. Bozeman, Melanchthon Forbes, and Henry Branson, — energetic business men, who had accumulated a considerable amount in gold dust, which they took with them to make payments to Eastern creditors. Buckskin sacks, containing about eighty thousand dollars, were distributed in cantinas through the entire pack train, no one pair of cantinas containing a very large sum. Besides this amount, there was in a carpet sack in one of the wagons, fifteen hundred dollars in treasury notes, enclosed in letters to various persons in the States, and sent by their friends and relatives in the mines.

The men in the train were well armed, and anticipated an attack by the robbers at some point on the route, but they determined upon fighting their way through. Plummer had been on the watch for their departure a week or more before they left, and through his spies was fully informed of the amount they took with them. He made preparations for surprising them in camp after nightfall, on their second day out, well knowing that some would then be seated, others lying around their camp fires, and others still spreading their blankets for the night. Two of the boldest men in the band, John Wagner, known as "Dutch John," and Steve Marshland, were selected for the service. They followed slowly in track of the train. Coming in sight of the camp-fire in Black Tail Deer cañon, after dark on the evening appointed, they hitched their horses in a thicket at a convenient distance, and, with their double-barrelled guns loaded with buck-shot, crawled up, Indian fashion, within fifteen feet of the camp. By the light of the fire, they were enabled to take a survey of the party and its surroundings. The campers were dispersed in little groups engaged in conversation, oblivious of the approach of the robbers, but fully prepared to meet them. Mr. McCormick, who had done some friendly services for Ives, was warned by him, when on the eve of departure, not to sleep at all, never to be off his guard, nor separate from his comrades, but to keep close in camp until after they had crossed the range. As soon as the robbers comprehended the situation, they withdrew to the thicket and held a consultation. Wagner, the bolder of the two, proposed that they should steal again upon the campers, select their men, and kill four with their shot-guns, it being quite dark; that they should then, by rapid firing, quick movements, and loud shouting, impress the survivors with the belief that they were attacked by a numerous force in ambush.

"They will then," said Wagner, "run away, and leave their traps, and we can go in and get them."

This scheme, none too bold or hazardous for Wagner to undertake, presented a good many embarrassments to the more timid nature of his companion. Bold as a lion at the outset, he now found his courage, like that of Bob Acres, "oozing out of his fingers' ends." The more Wagner urged the attack, the stronger grew his objections, until at length he flatly refused, and the experiment was abandoned until the next morning.

The campers knew nothing of this. One by one they sank to rest, and arose early the next morning to pursue their journey. While seated around the camp-fire at breakfast, near a sharp turn in the road, their attention was suddenly arrested by a voice issuing from the thicket, uttering the following ominous words: —

"You take my revolver and I'll take yours, and you come right after me."

In a twinkling every man sprang for his gun and cocked his revolver. The sharp click, that "strange quick jar upon the ear," probably satisfied the robbers that they had been overheard, for in a few moments after up rode Wagner and Marshland, with their shot-guns thrown across their saddles, ready for use. The confused expression of the robbers when they saw that every man was prepared for their approach, betrayed their criminal designs. Recovering themselves in a moment, Marshland, who recognized Sloan, in a friendly tone called out, —

"How do you do, Mr. Sloan?"

"Very well, *thank you,*" replied Billy, laying particular stress upon the complimentary words, the significance of which would have been more apparent, had he known that Marshland's cowardice the night before had probably saved his life.

The road agents inquired if the party had seen any horses running at large, or whether they had any loose stock in their train.

"We have not," was the prompt reply.

"We were told by some half-breeds we met," said Marshland, "that our animals were running with your train, and we rode on, hoping to find them."

"It's a mistake," was the answer, "we have no horses but our own."

With this assurance the robbers professed to be satisfied, and galloped on.

These successive failures only strengthened the villains in their determination to rob the train. They awaited its arrival in Red Rock valley two days after leaving it, with the intention of attacking it there, at the hour of going into camp. When near the summit of the ridge which divides the waters of the Red Rock from those of Junction creek, the packers, according to custom, rode on ahead of the wagons to select a suitable stopping-place for the night. Three or four men only were left in charge of the teams. The robbers supposed that the treasure was hidden away in some of the carpet sacks in the wagons, now near the top of the divide. The brisk pace of the pack-horses soon took them out of sight and hearing of their companions in the rear. Assured of this, the robbers, disguised in hoods and blankets, dashed out of a ravine in front of the wagons, and in a peremptory tone, covering the drivers with their shot-guns, commanded them to halt. Gathering the drivers together, they ordered them not to move, at their peril; and while Dutch John sat upon his horse, with his gun aimed at them, Marshland dismounted, and engaged in a speedy search of both drivers and vehicles. Unperceived by the robbers, Moody had slipped a revolver into the leg of his boot. He also had a hundred dollars concealed in a pocket of his shirt, which escaped notice. The other drivers had no money on their persons. After disposing of the men, Marshland went to the wagons, where he was fortunate enough to find the carpet sack containing the letters in which were enclosed the fifteen hundred dollars in greenbacks. Pocketing this, and still intent upon finding the gold, he proceeded to the rear wagon, which fortunately was occupied by Forbes and a sick comrade. As soon as Marshland climbed to the single-tree, Forbes, who had been in wait for him, fired his revolver through a hole in the curtain, wounding him in the breast. With an oath and yell, the robber fell to his knees, but recovering himself, jumped from the wagon, fell a second time, regained his feet, and ran with the agility of a deer to the pine forest. Dutch John's horse, frightened at the shot, reared just as its rider discharged both barrels of his shot-gun at the teamsters. The shot whizzed just above their heads. Moody now drew his revolver from his boot, and opened fire upon the retreating figure of Dutch John, the ball taking effect in his shoulder. Urging his horse to its utmost speed, John was soon beyond reach of pursuit; but had Moody followed him on the instant, he might have brought him down. The packers who had gone into camp, were no less gratified to hear of the successful repulse, than astonished at the bold attack of the freebooters. Marshland's horse, arms, equipage, and twenty pounds of tea, of which he had rifled a Mormon train a few days before, were confiscated upon the spot.

Rockfellow and two other packers rode back to the scene of the robbery, where, striking Marshland's trail, they followed it, searching for him till eleven o'clock. He admitted afterwards, when captured, that they were at one time within fifteen feet of him. They found, scattered along the route, all the packages of greenbacks he had taken. He gained nothing by his attack, was badly wounded, froze both his feet on his retreat to Deer Lodge, and lost his horse, arms, and provisions. Both of Dutch John's hands were frozen, but he was fortunate in meeting J. X. Beidler, who bound them up for him, not knowing at the time the villain's occupation. "X," as he is called by all the mountaineers, always accounted this kindly act to the retreating ruffian, as a stroke of bad fortune. "Had I only known," says he when telling the story, "I would have bandaged his hands with something stronger than a handkerchief."

The serious part of the transaction being over, our wayfarers had abundant sport for the remainder of their long journey, in determining the rights of the respective claimants to the booty. Forbes claimed Marshland's horse and accoutrements, because it was his shot that caused the robber to take flight. Moody insisted upon his right to an equal share, in compensation for the wounds he gave Dutch John. The two teamsters set up a claim, upon the principle that all ships in sight are entitled to a share in the prize. If steersmen represented schooners at sea, teamsters were the proper representatives of "prairie schooners." The subject was debated at every camp made on the journey, and finally determined by electing a judge from their number, impanelling a jury, and going through all the forms of a regular trial. The verdict gave Forbes the possession of the property on payment of thirty dollars to Moody, and twenty dollars to each of the teamsters. The party arrived at Salt Lake without further molestation.

CHAPTER IV.

GEORGE IVES.

History of George Ives — Robberies and Murders committed by him — Murder of Tiebalt — A Company pursue Ives from Nevada — He is captured — Escape — Recapture — Is brought in Safety to Nevada.

George Ives, whose name is already familiarized to the readers of this history, by the prominent part he acted in the robberies of the coach, and the contemplated attack upon Hauser and the writer, was at the time regarded as the most formidable robber of the band with which he was connected. The boldness of his acts, and his bolder enunciation of them, left no doubt in the public mind as to his guilt. But the people were not yet ripe for action; and, while Ives and his comrades in crime were yet free to prosecute their plans for murder and robbery, the miners and traders were content, if let alone, to pursue their several occupations. The condition of society was terrible. Not a day passed unmarked by crimes of greater or lesser enormity. The crisis was seemingly as distant as ever. Men hesitated to pass between the towns on the gulch after nightfall, nor even in mid-day did they dare to carry upon their persons any larger amounts in gold dust than were necessary for current purposes. If a miner happened to leave the town to visit a neighboring claim, he was fortunate to escape robbery on the way. And if the amount he had was small, he was told that he would be killed unless he brought more the next time. Often wayfarers were shot at, sometimes killed, and sometimes wounded.

During this period, it was a custom with George Ives, when in need of money, to mount his horse, and, pistol in hand, ride into a store or saloon, toss his buckskin purse upon the counter, and request the proprietor or clerk to put one or more ounces of gold dust in it "as a loan." The man thus addressed, dare not refuse. Often, while the person was weighing the levy, the daring shoplifter would amuse himself by firing his revolver at the lamps and such other articles of furniture as would make a crash. This was frequently done for amusement. It became so common that it attracted little or no attention, and people submitted to it, under the conviction that there was no remedy.

Anton M. Holter, owner of a train of wagons, while on the route from Salt Lake to Virginia City with a large party of emigrants, was overtaken by a fierce mountain snowstorm, during the last days of November, on Black Tail Deer creek. Fearing that the road would be blocked, he and a Mr. Evanson pushed on as rapidly as possible to the Pas-sam-a-ri, crossing the stream with their teams with great difficulty, the water reaching midway up the sides of the wagon-boxes. Once over, they made a camp near by, to await the abatement of the storm. A Mr. Hughes who had been travelling in company with them, came up with his wagon, at a late hour in the evening, to the cabin at the crossing, at the door of which he was met by "Dutch John," its only occupant. John, at his request, went in search of Evanson, who came and assisted in getting the horses and wagons across the river. The night was half spent before the object was accomplished. During all this time, John, in pursuance of Plummer's general instructions for obtaining information, plied Evanson with questions about Holter's property and ready means in gold, — possessing himself of all the information that an unsuspicious man would be likely to communicate.

A few days later, Holter moved on with his train to Ramshorn creek, and after making camp, went to Virginia City with two yokes of oxen for sale. On his way he passed Ives and Carter, who, he observed, eyed him suspiciously. Failing to sell his cattle, he left on his return to camp the next day, intending to spend the night at Mr. Norris's ranche. He had gone well down into the valley, and it was nearly sundown, when he saw Ives, accompanied by one Irving, approaching on horseback. Holter did not know Ives, and had no real fear of an attack; but with that instinctive feeling which regards every stranger with suspicion in a country infested with robbers, he immediately drew and examined his pistol. It was so badly rusted that he could not make it revolve. He replaced it, and, remembering that he had no money, felt equally satisfied to escape or to hazard an adventure. Ives and Irving rode up in front of him, and Ives, impudently, as Holter thought, inquired, —

"Where are you going?"

"Down to Norris's place," replied Holter. "Do you know where he lives?"

"Yes, I know well enough," answered the highwayman, and drawing closer to him he asked, "Have you got any money?"

Holter drew back in surprise, but answered immediately, "No, I'm dead broke."

"Well, we'll see about that," said Ives, drawing and cocking his revolver.

"You can see for yourself," said Holter, drawing forth a memorandum book.

"Hand it over here," said Ives, reaching and taking it. He then proceeded to examine it with some care, but finding nothing in it, with an expression of disgust he threw it away. Turning to Holter, and levelling his pistol full upon him, he continued, —

"You've got money, and I know it. Hand it over, or I'll shoot you."

"You're surely mistaken," replied Holter. "I left what I had at the camp, and had to borrow ten dollars in town."

"I tell you, you have got money," was the savage rejoinder. "Turn your pockets inside out — and be quick about it, too."

Holter complied, and found a few greenbacks, which, as they were not in use, he had forgotten.

"Hand 'em over here," said Ives, and cramming them hurriedly into his pocket, he said, —

"Now, turn your cattle out of the road, and don't follow our tracks; and when you come this way again, bring more money with you."

As Holter turned his cattle to obey, he glanced furtively over his shoulder, and saw Ives in the very act of firing at him. Dodging instinctively, the ball passed through his hat, ploughing a furrow down to the scalp, which it grazed, through his heavy hair. Stunned by the shot, Holter staggered and almost fell, just as Ives aimed and pulled the trigger again. Fortunately, the cap snapped; and Holter, now sufficiently recovered, started on a run, and took refuge in an old beaver-dam. Ives followed him closely for another shot, but a teamster with a load of poles at this moment appeared upon the road, which circumstance deterred Ives from firing, and probably saved Holter's life.

During this same season, a man who had been whipped for larceny at Nevada, under some modification of his punishment, agreed to disclose certain transactions of the robbers. Ives heard of it, and watching his opportunity, met the poor fellow on the road between Virginia City and Dempsey's. Riding up to him, he deliberately fired at him with his gun charged with buckshot. From some cause the shot failed of effect. Ives immediately drew his revolver, and while loading him with oaths and execrations, shot him through the head. The man fell dead from his horse, which Ives took by the bridle and led off to the hills. This cold-blooded murder was committed in open day on the most populous thoroughfare in the country, in plain view of two ranches, and while several teams were in sight. Travellers who arrived at the spot half an hour after its occurrence, aided by the neighboring ranchmen, paid the last sad offices to the still warm but lifeless body. Ives sought concealment in the wakiup of George Hilderman, where he remained until satisfied that no public action would be taken to avenge the crime.

He then again sallied forth to watch for fresh opportunities for plunder and bloodshed. His name had become the terror of the country. No man felt safe with such a monster at large, and yet no one was ready to initiate a plan for his destruction. His malevolence was only equalled by his audacity, — and this was, if possible, surpassed by his gasconade. The dark features of his character were unrelieved by a single generous or manly quality. Avarice, and a natural thirst for bloody adventures, controlled his life.

About this time, a young German, by the name of Nicholas Tiebalt, who was in the employ of Messrs. Burtchy and Clark, sold to them a fine span of mules which were in charge of the herders at Dempsey's ranche. They had advanced the money for the purchase, and sent Tiebalt after the mules. As several days elapsed without his return, they concluded that, like many others, he had probably swindled them out of the money, and left the country with the mules; a conclusion all the more regretted by them, from the fact that he had won their confidence by his fidelity and sobriety.

Nine days after Tiebalt had left Nevada, Mr. William Palmer, while hunting in the Pas-sam-a-ri valley, shot a grouse, and on going to the place where it fell, found it, dead, upon the frozen corpse of Tiebalt. He immediately went to the wakiup occupied by John Franck — better known as Long John — and George Hilderman, a quarter of a mile below, to obtain their assistance in lifting the body into the wagon.

"I will take the body to town," said he, "and see if it cannot be identified."

"We'll have nothing to do with it," said Long John. "Dead bodies are common enough in this country. They kill people every day in Virginia City, and nobody speaks of it, nobody cares. Why should we trouble ourselves who this man is, after he's dead?"

Shocked at this brutality, Palmer returned to the corpse, which he contrived to place in his wagon, and drove on to Nevada. The body was exposed for half a day in the wagon, and was visited by hundreds of people from Nevada, Virginia City, and the other towns in the gulch.

In reply to the question, "How did you find it?" Palmer answered, —

"It was providential. The Almighty pointed the way, or it would never have been found. I had my gun in my hand, and was looking carefully about for game, when a grouse rose suddenly at my approach. I had little thought of killing it when I fired, as the shot was a chance one. The bird flew some distance before it fell, but seeing that I had wounded it, I ran as rapidly as I could, and went directly to it, and found it on the breast of the murdered man. The body was lying in a clump of heavy sage-brush, completely concealed, — away from the road, where no one would ever have gone except by chance, — and but for the fact that it was frozen hard, would long before this time have been devoured by the coyotes."

The body of Tiebalt bore the marks of a small lariat about the throat, which had been used to drag him, while still living, to the place of concealment. The hands were filled with fragments of sage-brush, torn off in the agony of that terrible process; and the bullet wound over the left eye showed how the murder had been accomplished.

These appalling witnesses to the cruelty and fiendishness of the perpetrator of this bloody deed roused the indignation of the people to a fearful pitch. They went to work to avenge the crime with an alacrity sharpened by the consciousness of that long and criminal neglect on their part, but for which it might have been averted. They felt themselves to be, in some degree, participants in the diabolical tragedy. In the presence of that dead body the re-action commenced, which knew no abatement, until the country was entirely freed of its bloodthirsty persecutors. That same evening, twenty-five citizens of Nevada subscribed an obligation of mutual support and protection, mounted their horses, and, under the leadership of a competent man, at ten o'clock started in pursuit of the murderer. Obtaining an accession of one good man on their route, and avoiding Dempsey's by a hill trail, they rode six miles beyond it to a cabin, and with the aid of its proprietor found their way to the point of destination. At an early hour in the morning, they crossed Wisconsin creek, breaking through the frozen surface, and emerging from it with clothing perfectly rigid from frost and wet. A mile beyond this they were ordered to alight and stand by their horses until daybreak. An hour or more passed, when they remounted and rode quietly on, until in sight of Long John's wakiup. A dog was heard to bark; and in anticipation of the alarm it might occasion, they dashed forward at full speed, surrounding the wakiup, each man halting with his gun bearing upon it. Jumping from his horse, the leader discovered eight or ten men wrapped in their blankets, sleeping in front of the entrance. Raising his voice, he exclaimed, —

"The first man that rises will get a quart of buckshot in him before he can say 'Jack Robinson.'"

It was too dark to distinguish the sleepers. With half of his company at his back, he strode on to the entrance. Peering into the darkness, he asked, —

"Is 'Long John' here?"

"I'm here," responded a voice, instantly recognized to be that of the person addressed. "What do you want?"

"I want you," was the rejoinder. "Come out here."

"Well," said John, "I guess I know what you want me for."

"Probably," replied the leader. "But hurry up. We've no time to lose."

"One moment. I'll be with you as soon as I can get on my moccasins," said John.

"Be quick about it," shouted the leader.

"Long John" was taken in charge by the company, and as soon as it was light enough to enable them to see distinctly, the leader, with four men, escorted him to the spot where Tiebalt was found. The remainder of the company kept guard over the men found sleeping near the wakiup. When they arrived upon the ground, the leader said to him, —

"Long John, we have arrested you for the murder of Nicholas Tiebalt. We believe you to be guilty, and have brought you up here to the spot where his body was found to hear what you have to say."

Palmer, who was one of the company, then proceeded to explain all the circumstances connected with the discovery, the position of the body, and the conversation he held with Long John when he applied to him for assistance.

"Boys," said John, in a serious tone, "I did not do it. As God shall judge me, I did not."

One man, more excited than the rest, now began handling his pistol, saying to John, meanwhile, —

"Long John, you had better prepare for

another world." What more he might have said, or what done, it is easy to conceive, had he not been interrupted by the leader, who, stepping forward, remarked, —

"This won't do. If there is anything to be done, let us all be together."

Long John was then taken aside by three of the company, who sat down in the faint morning light to examine him. Just as they were seated, they saw through the haze at no great distance, "Black Bess," the mule which Tiebalt rode from Nevada when he started for Dempsey's. She seemed to be there at this opportune moment as a dumb witness to the assassination of her master. Pointing to the animal, one of the men inquired, —

"John, whose mule is that?"

"That's the mule that Tiebalt rode down here," he answered.

"John," was the reply, "you know whose mule that is. Things look dark for you. You had better be thinking of your condition now."

"I am innocent," murmured John.

The mule was caught and led up to him. "Where are the other two mules?" was the next inquiry.

"I do not know," he replied.

"John," said his interrogator, "you had better be looking forward to another world. You are 'played out' in this one, sure."

"I did not commit that crime," was his reply, "and if you'll give me a chance, I'll clear myself."

The leader now said to him, "John, you can never do it, for you knew of a man lying dead here, close to your home for nine days, and never reported his murder. You deserve hanging for that alone. Why didn't you come and tell the people of Virginia City?"

"I was afraid," said John. "It would have been as much as my life was worth to have done it. I dared not."

"Afraid? Whom were you afraid of?" inquired the leader.

"I was afraid of the men around here," he answered.

"What men? Who are they?" persisted the leader.

"I dare not tell who they are," said John, in a frightened tone: "there's one of them around here."

"But you must tell, if you would save yourself. Where is the one you speak of?"

"There's one at the wakiup, — the one that killed Nick Tiebalt."

"Who is he? What's his name?"

"George Ives," said John, after a moment's hesitation.

"Is he down at the wakiup?"

"Yes: I left him there when I came out."

"Men," said the leader, addressing them, "stay here and keep watch over John, while I go down and arrest Ives."

Selecting from the number at the wakiup a person answering the description of Ives, he asked his name, which was very promptly given.

"I want you," said the leader.

"What do you want me for?" inquired Ives.

"To go to Virginia City," rejoined the leader.

"All right," said Ives: "I expect I'll have to go." He was immediately taken in charge by the guard.

"Old Tex" was standing near by at the time, and the leader turning to him, said, —

"I believe we shall want you, too." The ruffian made an impudent reply, to which the leader simply rejoined, —

"You must consider yourself under arrest," — words whose fearful import he understood too well to disobey.

The other men now emerged from their blankets. They were Alex Carter, Bob Zachary, Whiskey Bill, and Johnny Cooper, and two inoffensive persons who had fallen in with them the evening before, and craved permission to pass the night under their protection. Fortunately, these confiding individuals had no money, and escaped assassination; but when told of the character of their entertainers, one of them, pointing to Carter, remarked, —

"There's one good man, anyhow. I knew him on the other side of the mountains, where he was a packer, and there was no better man on the Pacific slope."

Just at this moment, the leader saw some movement which indicated to him that a rescue of the three prisoners would be attempted by their comrades, and in a loud tone of command, said, —

"Every man take his gun and keep it."

Five men were ordered to search the wakiup, and the others, meanwhile, to keep off intruders. The searchers soon came out with seven dragoon and navy revolvers, nine shot-guns, and thirteen rifles, as the fruit of their spoil. Among other weapons was the pistol taken from Leroy Southmayd at the time of the coach robbery described in a previous chapter. Having completed the search and broken up the nest of the marauders, the scouting party started with their prisoners on the return to Nevada. At Dempsey's they found George Hilderman, who, after offering various excuses, consented, under the mild persuasion of a revolver, to accompany them. The prisoners were disarmed but not bound, nor prevented from riding at pleasure among their captors. A stranger, on seeing or joining with the cavalcade while in motion, would never have supposed that it was an escort with four murderers in charge; nor, from the merry, jovial conversation and song singing of the company, as it rode gayly and rapidly onward, have distinguished the accusers from the accused. Whenever the subject of his offence was mentioned, Ives asserted his innocence, and declared that he would be only too happy to have an opportunity to prove it. With a fair trial by civil authority in Virginia City, he had no fear of the result; but as he once had the misfortune to kill a favorite dog in Nevada, he felt that he would have the prejudices of the people against him if put upon trial there. This idea was elaborated, because if adopted, Plummer, being sheriff, would have the selection of the men from whom the jury would be impanelled. Ives affected great amiability and a ready compliance with every order and request made by his captors. One subject suggested another, and many of the rough and pleasant phases of mountain life passed in review, until that of racing, and the comparative speed of their horses, was introduced. On this theme Ives was specially eloquent, and being mounted on his own pony, which had some local popularity as a racer, he ventured finally to propose a trial of speed with several of the guard, and even challenged them to race with him. After one or two short scrub races, in which he suffered himself to be beaten, the spirit of the race-course seemed suddenly to animate the company, and, one after another, all were soon engaged in the exciting sport. It increased in interest and excitement for several miles, and until within a short distance of Daly's ranche. At this point, Ives's horse, which had been kept under before, was now pressed to his utmost speed; and when the party were least prepared for it, they saw him not only as the winner in the race, but leading the cavalcade, and bearing his master away at a fearfully rapid rate over the level stretch towards Daly's. Instantly, every horse was urged into the pursuit. On rode the desperado, and on followed the now broken column of scouts, two of whom pressed him so closely that he could not stop long enough at the ranche to exchange his pony for his favorite horse, which, by order of some of his friends who had pushed on from the wakiup in advance of the scouts, had been saddled and was standing ready for his use. His pursuers, more fortunate, found a fresh horse and mule standing there, which had come down from Virginia City. These they mounted, and resuming the pursuit, when three miles away from the main road near the Bivins gulch mountains, they saw the hotly pressed fugitive jump from his exhausted pony, and take refuge among the rocks of an adjacent ravine. Quicker than it can be told, they alighted, and, fresher on foot than the jaded steeds, they were soon standing on the edge of the sheltering hollow. Ives was nowhere visible. Certain that he was near, Burtchy and Jack Wilson plunged into the ravine, and commenced a separate search among the rocks. It was of brief duration, for Burtchy soon discovered him, crouching behind a large bowlder, and directed him to come out and surrender himself.

Ives laughingly obeyed, and in a wheedling manner was approaching Burtchy, who was separated from his comrade, evidently with the purpose of wresting his gun from him. Burtchy understood the movement, and with his eye still coursing the barrel, now but a few feet from the heart it would have been emptied into in a moment more, he said, —

"That is far enough, Mr. Ives. Now stand fast, or I shall spill your precious life-blood very quick."

Wilson, who had been searching in a different direction, now came up and aided in securing the prisoner, with whom they soon rejoined the rest of the company. The two hours which had elapsed between the escape and recapture, were pregnant with wisdom for the almost disheartened scouts.

"Let us raise a pole and hang him at once," said one of them, as the captors rode up with their prisoner.

Several voices raised in approval of this recommendation, were at once silenced by a very decided negative from the remainder of the company. Ives, meantime, commenced chatting gayly with the crowd, and treated them to a "drink all round." The cavalcade, formed in a hollow square, with their prisoner in the centre, then rode quietly on to Nevada, arriving soon after sunset.

CHAPTER V.

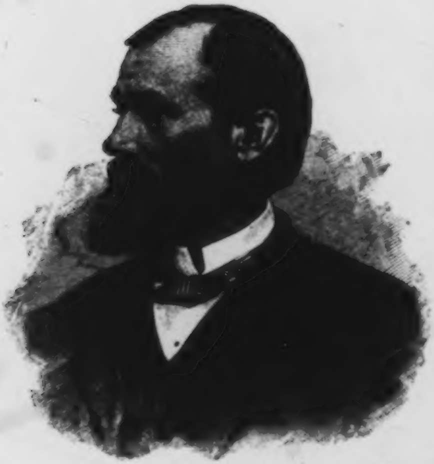
TRIAL OF GEORGE IVES.

TRIAL OF GEORGE IVES — ATTEMPTS TO PROVE AN ALIBI — LONG JOHN TURNS STATE'S EVIDENCE — SUSPENSE — FEARLESSNESS OF COLONEL SANDERS — CONVICTION — APPEALS FOR DELAY — A RESCUE IMMINENT — EXECUTION.

INTELLIGENCE of the capture of Ives preceded the arrival of the scouts at Nevada. That town was full of people when they entered with their prisoners. A discussion between the citizens of Virginia City and Nevada, growing out of the claims asserted by each to the custody and trial of the prisoners, after much protesting by the friends of Ives, resulted in their detention at Nevada. They were separated and chained, and a strong inside and outside guard placed over them. The excitement was intense; and the roughs, alarmed for the fate of their comrades, despatched Clubfoot George to Bannack with a message to Plummer, requesting him to come at once to Nevada, and demand the prisoners for trial by the civil authorities. By means of frequent relays provided at the several places of rendezvous of the robbers on the route, he performed the journey before morning. Johnny Gibbons, a rancher, in sympathy with Ives, proceeded immediately to Virginia City, and secured the legal assistance of Ritchie and Smith, the latter being the same individual who had figured in the defence of the Dillingham murderers. But the time for strategy was over, — the people were determined there should be no delay.

Early the next morning, the road leading through the gulch was filled with people hastening from all the towns and mining settlements to Nevada. Before ten o'clock, fifteen hundred or two thousand had assembled and were standing in the partially congealed mud of the only public thoroughfare of the town. The weather was pleasant for the season, with no snow, but a little frostwork of ice bordered the streams, and the sun shone with an October warmth and serenity. The urchins of the neighborhood were dodging in and out among the crowd, in merry pastime; and the great gathering, with all its appointments, wore more of a commemorative than retributory aspect. And as this was the day preceding "Forefathers' Day," one unacquainted with the sterner matters in hand, might readily have mistaken it for an old-time New England festival. The illusion, however, would have been instantly dispelled on listening to the various opinions advanced by the miners, while arranging the mode of trial. It was finally determined that the investigation should be made in the presence of the entire assemblage, — the miners reserving the final decision of all questions. To avoid all injustice to people or prisoners, an advisory commission of twelve men from each of the districts was appointed; and W. H. Patton of Nevada, and W. Y. Pemberton of Virginia City, were selected to take notes of the testimony.

Col. Wilbur F. Sanders and Hon. Charles S. Bagg, attorneys, appeared on behalf of the prosecution, and Messrs. Alexander Davis and J. M. Thurmond for the prisoners. Ives was the first prisoner put upon trial. It was late in the afternoon of the 19th before the examination of witnesses commenced. The prisoner, secured by chains, was seated beside his counsel. The remainder of that day, and all the day following, had been spent; and when the crowd assembled on the morning of the 21st, the prospect for another day of unprofitable wrangling, long speeches, captious objections, and personal alterca-



COLONEL WILBUR F. SANDERS,
Principal Prosecutor of George Ives.

tions, was as promising as the day before; but the patience of the miners being exhausted, they informed the court and people that the trial must close at three o'clock that afternoon. This announcement was received with great satisfaction.

I am unable from any facts in my possession to recapitulate the testimony. Long John was admitted to testify under the rule of law regulating the reception of State's evidence. Among other things it was established that Ives had said in a boastful manner to his associates in crime, —

"When I told the Dutchman I was going to kill him, he asked me for time to pray. I told him to kneel down then. He did so, and I shot him through the head just as he commenced his prayer."

Two *alibis* set up in defence failed of proof, because of the infamous character of the witnesses. Many developments of crimes committed jointly by the prisoner and some of his sympathizing friends, were made, which had the effect to drive the latter from the Territory before the close of the trial, but for which his conviction might possibly have been avoided.

The prisoner was unmoved throughout the trial. Not a shade of fear disturbed the immobility of his features. Calm and self-possessed, he saw the threads of evidence woven into strands, and those strands twisted into coils as inextricable as they were condemnatory, and he looked out upon the stern and frigid faces of the men who were to determine his fate with a gaze more defiant than any he encountered. There were those near him who were melted to tears at the revelation of his cruelty and bloodthirstiness; there were even those among his friends who betrayed in their blanched lineaments their own horror at his crimes; but he, the central figure, equally indifferent to both, sat in their midst, as inflexible as an image of stone.

The scene, by its associations and objects, could not be otherwise than terribly impressive to all who were actors in it; it wanted none of the elements, either of epic force or tragic fury, which form the basis of our noblest poems. A whole community, burning under repeated outrages, sitting in trial on one of an unknown number of desperate men, whose strength, purposes, even whose persons, were wrapped in mystery! How many of that surging crowd now gathered around the crime-covered miscreant, might rush to his rescue the moment his doom should be pronounced, no one could even conjecture. No man felt certain that he knew the sentiments of his neighbor.

None certainly knew that the adherents of the criminal were weaker, either in numbers or power, than the men of law and order. It was night, too, before the testimony closed; and in the pale moonlight, and glare of the trial fire, suspicion transformed honest men into ruffians, and filled the ranks of the guilty with hundreds of recruits.

The jury retired to deliberate upon their verdict. An oppressive feeling, almost amounting to dread, fell upon the now silent and anxious assemblage. Every eye was turned upon the prisoner, seemingly the only person unaffected by surrounding circumstances. Moments grew into hours. "What detains the jury? Why do they not return? Is not the case clear enough?" These questions fell upon the ear in subdued tones, as if their very utterance breathed of fear. In less than half an hour they came in with solemn faces, with their verdict, — Guilty! — but one juror dissenting.

"Thank God for that! A righteous verdict!" and other like expressions broke from the crowd, while on the outer edge of it, amidst mingled curses, execrations, and howls of indignation, and the quick click of guns and revolvers, one of the ruffians exclaimed, —

"The murderous, strangling villains dare not hang him, at any rate."

Just at this moment a motion was made to the miners, "that the report be received, and the jury discharged," which, with some little opposition from the prisoner's lawyers, was carried.

Some of the crowd now became clamorous for an adjournment; but failing in this, the motion was then made, "that the assembly adopt as their verdict the report of the committee."

The prisoner's counsel sprung to their feet to oppose the motion, but it was carried by such a large majority, that the assemblage seemed at once to gather fresh life and encouragement for the discharge of the solemn duty which it imposed. There was a momentary lull in the proceedings, when the people found that they had reached the point when the execution of the criminal was all that remained to be done. They realized that the crisis of the trial had arrived. On the faces of all could be read their unexpressed anxiety concerning the result. What man among them possessed the courage and commanding power equal to the exigencies of the occasion!

At this critical moment, the necessity for prompt action, which had so disarranged and defeated the consummation of the trial of Stinson and Lyons, was met by Colonel Sanders, one of the counsel for the prosecution, who now moved, —

"That George Ives be forthwith hanged by the neck, until he be dead."

This motion so paralyzed the ruffians, that, before they could recover from their astonishment at its being offered, it was carried with even greater unanimity than either of the previous motions, the people having increased in courage as the work progressed. Some of the friends of Ives now came up, with tears in their eyes, to bid him farewell. One or two of them gave way to immoderate grief. Meantime, Ives himself, beginning to realize the near approach of death, begged piteously for a delay until morning, making all those pathetic appeals which on such occasions are hard to resist. "I want to write to my mother and sister," said he; but when it was remembered that he had written, and caused to be sent to his mother soon after he came to the country, an account of his own murder by Indians, in order to deceive her, no one thought the reason for delay a good one.

"Ask him," said one of the crowd, as he held the hand of Colonel Sanders, and was in the midst of a most touching appeal for delay, "ask him how long a time he gave the Dutchman."

He, however, made a will, giving everything to his counsel and companions in iniquity, to the entire exclusion of his mother and sisters. Several letters were written under his dictation by one of his counsel.

In the mean time, A. B. Davis and Robert Hereford prepared a scaffold. The butt of a small pine, forty feet in length, was placed on the inside of a half-enclosed building standing near, under its rear wall, the top projecting over a cross-beam in front. Near the upper end was fastened the fatal cord, and a large dry-goods box about five feet high was placed beneath for the trap.

Every preparation being completed, Ives was informed that the time for his execution had come. He submitted to be led quietly to the drop, but hundreds of voices were raised in opposition. The roofs of all the adjacent buildings were crowded with spectators. While some cried, "Hang the ruffian," others said, "Let's banish him," and others shouted, "Don't hang him." Some said, "Hang Long John. He's the real murderer," and occasionally was heard a threat, "I'll shoot the murdering souls," accompanied by curses and epithets. The flash of revolvers was everywhere seen in the moonlight. The guards stood grim and firm at their posts. The miners cocked their guns, muttered threats against all who interfered, and formed a solid phalanx which it would have been madness to assault.

When the culprit appeared upon the platform, instant stillness pervaded the assembly. The rope was adjusted. The usual question, "Have you anything to say?" was addressed to the prisoner, who replied in a distinct voice, —

"I am innocent of this crime. Alex Carter killed the Dutchman."

This was the only time he accused any one except Long John.

He then expressed a wish to see Long John, and his sympathizers yelled in approbation; but as an attempted rescue was anticipated, the request was denied.

When all the formalities and last requests were over, the order was given to the guard, —

"Men, do your duty."

The click of a hundred gun-locks was heard, as the guard levelled their weapons upon the crowd, and the box flew from under the murderer's feet, as he swung "in the night breeze, facing the pale moon, that lighted up the scene of retributive justice." The crowd of rescuers fled in terror at the click of the guns.

"He is dead," said the judge, who was standing near him. "His neck is broken."

Henry Spivey, the juror who voted against the conviction of Ives, was a thoroughly honest and conscientious man. He was not satisfied that the evidence showed Ives to be guilty of the murder of Tiebalt, and as this was the specific charge against him, he could not vote against his conscience. He said that if Ives had been tried as a road agent, he would have voted for his conviction.

The highest praise is due to Colonel Sanders for the fearlessness and energy he displayed in the conduct of this trial; for it furnished an example which was not lost upon the law and order men in all their subsequent efforts to rid the Territory of the ruffians.

CHAPTER VI.

RESULT OF IVES'S EXECUTION.

EFFECT OF IVES'S EXECUTION — LONG JOHN AND "TEX" ACQUITTED — GEORGE HILDERMAN TRIED, CONVICTED, AND BANISHED — FORMATION OF A VIGILANCE COMMITTEE — PURSUIT OF ALEX CARTER — MEET WITH YAGER ("RED") IN DEER LODGE — DISAPPOINTMENT — RETURN BY WAY OF POINT OF ROCKS — ARREST OF "RED" AT RATTLESNAKE, AND OF BROWN AT DEMPSEY'S — "RED" DISCLOSES THE NAMES OF MANY OF THE MEMBERS OF PLUMMER'S BAND — "RED" AND BROWN EXECUTED ON THE PAS-SAM-A-RI.

THE confederates of Ives spared no efforts, while his trial was in progress, to save him. When intimidation failed, they appealed to sympathy; and when that proved unavailing, it was their intention, by a desperate onslaught at the last moment, to attempt a forcible rescue. They were deterred from this by the rapid clicking of the gun-locks at the moment of the execution. All through the weary hours of the trial, their hopes were encouraged with the belief that

Plummer, their chief, would come, and demand the custody of Ives; and if refused, obtain it by a writ of *habeas corpus*, in the name of the civil authorities of the Territory. But if he obeyed the summons of Clubfoot George, which is at best problematical, he acted no conspicuous part. A saloon-keeper by the name of Clinton was very positive that he saw him drink at his bar a few moments before the execution, and that he immediately went out to lead the "forlorn hope" of the roughs. Some other person was probably mistaken for the robber chief, as he was not recognized by any others of the crowd present at the time. In fact he had enough to do, to make provision for his own safety; for Rumor, with her thousand tongues, had carried the intelligence of the arrest of Ives to Bannack, before the arrival there of Clubfoot George. He found the people wild with excitement over a version of the arrest, which Plummer himself had already circulated, coupled with a statement that a Vigilance Committee had been formed at Virginia City, a number of the best citizens hanged, and that from three hundred to five hundred armed men were on the march to Bannack, with the intention of hanging him, Ned Ray, Buck Stinson, George Crisman, A. J. McDonald, Thomas Pitt, and others. This anticipatory announcement was made with the hope that by mingling the respectable names of Crisman, McDonald, and Pitt, with those of Stinson, Ray, and his own, he might divert, or at least divide, the attention which would otherwise inculpate only the real villains. It produced a momentary sensation, but failed of effect.

George Ives was no common desperado. Born of respectable parents, he was reared at Ives's Grove, Racine County, Wisconsin. The foreground of his life was blameless; and it was not until he came to the West, that he developed into the moral monster we have seen. His career as a miner in California, in 1857–8, though wild and reckless, was unstained by crime. No accusation of dishonesty was made against him, until after his employment as a herder of government mules belonging to the military post at Walla Walla, in Washington Territory. The heavy storms of that latitude, often destructive to herds in the mountains, afforded him opportunity from time to time, by reporting the fatality to the herd in his charge, greater than it was, to obtain for himself quite a large number of animals. The deception was not discovered until after his departure. He was by turns a gambler and a rowdy in all the mining settlements made on Salmon river. His downward course, once commenced, was very rapid. On one occasion he surprised the man who had employed him as a herder, by riding into a saloon kept by him, at Elk City. After the man had seized the horse by the bridle, Ives drew and cocked his pistol to shoot him, but was prevented by a fortunate recognition of his old employer. He apologized, and withdrew; and on several occasions afterwards, proffered him the gray horse he rode as a present, which the gentleman, convinced that Ives had stolen the animal, as often declined to accept. He was only twenty-seven years of age at the close of his bloody career in Montana. His appearance was prepossessing. In stature nearly six feet, with light complexion, neatly shaven face, and lively blue eyes, no one would ever have suspected him of dishonesty, much less of murder, and cold-blooded heartlessness. And yet, probably, few men of his age had ever been guilty of so many fiendish crimes.

George Hilderman was fortunate in being put upon trial immediately after the execution of Ives. Ten days later he would have been hanged upon the same evidence. It was proved that he knew of the murder of Tiebalt, and of the murder of the unknown man near Cold Spring ranche, neither of which he had divulged. He had even concealed the stolen mules, and knew the persons engaged in the stage robberies, and was found guilty upon general principles, but recommended to mercy. Upon being informed of the verdict, he dropped upon his knees, and exclaimed, —

"My God! is it so!"

He then made a statement confirming all that Long John had testified to concerning Ives.

The people commiserated his hapless condition. He was an old man, weak, somewhat imbecile. They concluded that his silence had been enforced by the threats of Ives and his associates, and that, as there was no proof implicating him directly with robbery or murder, they would sentence him to banishment from the Territory. Ten days were given him in which to leave. Glad to escape with his life, he applied to Plummer for assistance. Plummer advised him to remain; but the old man took wiser counsel from his fears. He decided to go. Plummer gave him a pony and provisions, and he left Montana forever.

Hilderman was possessed of a coarse humor, which he had lost no opportunity to demonstrate, while a sojourner at Bannack. It made him quite a favorite with the miners, until they became suspicious of his villanous propensities. He was also a notorious "bummer," and was oftener indebted to his humor, which was always at command, than his pocket, which was generally empty, for something to eat. In width, his mouth was a deformity, and the double row of huge teeth firmly set in his strong jaws gave to his countenance an animal expression truly repulsive. He was the original of the story of "The Great American Pie-biter." This feat of spreading his jaws so as to bite through seven of Kustar's dried-apple pies, had been frequently performed by him, in satisfaction of the wager he was ever on hand to make of his ability to do it. On one occasion, however, he was destined to be defeated. A miner, who had been victimized by him, arranged with Kustar, the proprietor of the Bannack Bakery, to have two of the pies inserted in the pile without removing the tin plates in which they had been baked, the edges of which were concealed by the overlapping crusts. Hilderman approached the pile, and spreading his enormous mouth, soon spanned it with his teeth. The crunch which followed, arrested by the metal, was unsuccessful. He could not understand it, but, despite the vice-like pressure, the jaws would not close. The trick not being discovered, he paid the wager, declaring that Kustar made the toughest pie-crust he had ever met with.

Long John purchased his freedom by his testimony, and nothing appearing against "Tex" at the time, he also was released.

The execution of Ives had a terrifying effect upon the ruffian horde; though a few of them put a bold face upon the matter and were as loud in their threats as ever. The prominent actors in that drama were singled out for slaughter, but no serious instance of personal assault occurred. The ruffians felt secure, as long as they were unknown, and the only revelation yet made was insufficient to implicate any of them with the numerous murders and robberies that had been committed. Facts had appeared upon the trial, making it probable that Carter was accessory to the murder of Tiebalt. The assassination of Dillingham was unavenged. Either of these causes, in the excited state of the public mind, was sufficient to remind the people that the work they had to perform was but just begun. If what they had done was right, it would be wrong to permit others equally guilty to escape. Carter, Stinson, and Lyons must be punished.

This spontaneity of thought brought a few of the citizens of Virginia and Nevada into consultation the day following the execution; and before the close of the succeeding day, a league was entered into, in which all classes of the community united, for the punishment of crime and the protection of the people. Before the organization of this committee was completed, a fresh impulse was given to the public indignation on receipt of intelligence that Lloyd Magruder, a merchant of Elk City, and the independent Democratic candidate for Congress, who had been trading in Virginia City during the fall, had, while on his return to his home, with four others, been cruelly murdered and robbed by a number of the gang, in the Bitter Root mountains. Full particulars of this terrible tragedy will be given in the two following chapters.

Magruder was very popular with the people of Virginia City. The committee went to work immediately. Twenty-four of them, well mounted, and provisioned for a long ride, started in pursuit of Carter. That villain, accompanied by William Bunton, Graves, and several others, in anticipation of arrest, left as soon as the trial of Ives was over, for the west side of the range. The pursuers followed on his trail as rapidly as possible, into the Deer Lodge valley. While riding down the valley, the vanguard of the scouts met Erastus Yager, who from the redness of his hair and whiskers was familiarly called "Red." He informed them that Carter and his companions were lying drunk at Cottonwood (since Deer Lodge City), and that they avowed themselves good for at least thirty of any men that might be sent to arrest them.

The party had suffered severely from the wintry blasts and storms, especially while crossing the divide; and they were glad that both strategy and comfort favored their detention for the next twenty hours, at the ranche of John Smith, seventeen miles above Cottonwood. At three o'clock in the afternoon of the next day, they left for Cottonwood, expecting to surprise and capture the fugitive without difficulty. How great was their disappointment, to find that both he and his companions had fled. A distant camp-fire in the mountains at a later hour convinced them that further pursuit at that time would end in failure. They learned upon inquiry that the ruffians had received a message from Virginia City, warning them of the approach of the Vigilantes. And this intelligence was afterwards confirmed by a letter which was found at their camping-ground, the writing of which was recognized as that of one George Brown, who was supposed to belong to the gang. It afterwards transpired that "Red" or Yager was the messenger who brought this letter, and that he had killed two horses on the expedition. Disappointed in the object of their search, the scouts now determined to return by the way of Beaverhead Rock, and, if possible, arrest both Brown and "Red" for their criminal interference.

Their sufferings from exposure to the keen December storms were intense. Arriving at Beaverhead, they camped in the willows, without shelter or fire, except such as could be enkindled with green willows. Some of their animals strayed to a cañon to escape the severity of the storm. After remaining in camp at this place for two days, they ascertained that "Red" was at Rattlesnake, twenty miles distant. A small party of volunteers started immediately to arrest him, while the others, on the route to Virginia City, stopped at Dempsey's to await their return.

At Stone's ranche the pursuers obtained fresh horses from the stage stock of Oliver & Co., and resumed their dismal journey to Rattlesnake. The weather was intensely cold, but this offered no impediment to the pursuit of their journey. Arriving at Rattlesnake, they surrounded the ranche, while one of their number entered. Stinson and Ray, both present, had in their capacity as deputies of Plummer arrested a man, whom they held in custody. Stinson, who disliked his visitor, confronted him with his revolver; but seeing a like implement already in the hands of the scout, who "had the drop" on him, he returned his weapon to its sheath.

"I have come to arrest 'Red' for horse-stealing," said the scout.

On hearing this, Stinson and Ray released their prisoner, on his promise to go immediately to Bannack and surrender himself. The man started forthwith to comply with his promise.

Meantime the scout joined his party outside, and they all rode hurriedly to a wakiup a few hundred yards up the creek, which they surrounded while the leader entered, observing as he did so, —

"It's a mighty cold night. Won't you let a fellow warm himself?" Advancing towards the fire, his eyes fell upon "Red." Raising his revolver, he said, "You're the man I'm looking for. Come with me."

"Red" asked no questions, and exhibited no terror. Putting on his hat, and gathering his blankets under his arm, he did as he was ordered, with as much apparent nonchalance as if he were going on a holiday excursion. When told that he would be taken to Virginia City, he simply manifested by a glance that he fully comprehended the situation, and acted in all respects, while a prisoner, like one who knew that his doom was irrevocable. The scouts took him down to the ranche, where they passed the night.

They left early the next morning; "Red" unarmed, on his own horse, and riding beside one of the scouts. The dreary ride through snow and wind was enlivened by the stumbling mule of the leader, which on one occasion rolled over, and after safely depositing its rider, made two or three somersaults down a steep bank, plunging headlong into a snowdrift at the bottom, which completely enveloped him.

At Dempsey's the captors joined the main party. Fatigued with the journey through the drifts, they took supper, provided for the security of their prisoner, and enjoyed a night's repose. Brown, the man who had written the warning missive to Carter, was the bar-keeper, and a sort of general factotum of the ranche. He had been for some time suspected as a petty thief and robber, without the courage needful to engage in graver offences. The Vigilantes saw that he was terrified, as soon as they arrived; though unconscious of the evidence they had obtained against him.

In the morning the captain of the Vigilantes, in a private interview with "Red," charged him with being connected with the robber horde. "Red" denied all knowledge of its existence.

"Why, then," inquired the captain, "should you have been at such pains to apprise the rascals that the Vigilantes were on their track?"

"It was the most natural thing in the world," "Red" replied. "I stopped here on my way to Deer Lodge, and Brown, on being told of my destination, asked me to take a letter to Alex Carter and some friends. I knew no reason why I should refuse, and did so."

Brown was then called in, and "Red" repeated the statement in his presence. Brown did not deny it, but betrayed by his blanched cheeks and trembling limbs that it was true. The captain, laying his hand upon his shoulder, and looking him steadily in the eye, said, —

"Brown, you must consider yourself under arrest; we will at once proceed to a full investigation of this matter. It looks very dark for you."

He was put under guard, to await the termination of the trial of "Red," which was at once commenced. When this was over, Brown was subjected to a second examination before the entire company.

"Did you write this letter of warning?" inquired the captain.

"I did," replied Brown.

"Why?"

"'Red' came to Dempsey's and said he was going to see the boys, and asked me if I had any word to send them, offering to carry it for me. I wrote them that the Vigilantes were after them, and advised them to leave."

No other explanation was given; and on their own confessions, and some additional proof showing that "Red" had made inconsistent statements to different persons belonging to the Vigilantes, while passing them on his return from Cottonwood, with a view to deceive them as to the whereabouts of Carter, — the company withdrew to the Stinking water bridge, to decide upon the guilt or innocence of the prisoners.

"Boys," said the captain, addressing the assemblage, "you have heard what these men have had to say for themselves. I want you to vote according to your consciences. If you think they ought to suffer punishment, say so; if you think they ought to go free, vote for it. Be very careful to do the right thing for yourselves, as well as for the prisoners. All those in favor of hanging them, step to the right side of the bridge; and those who are for letting them go, to the left side."

So thoroughly convinced were the men, of the guilt and complicity of the prisoners with the road-agent gang, that every man passed immediately to the right.

The culprits started immediately, under the escort of seven men and a leader, in the direction of Virginia City. Two hours afterwards they arrived at Lorrain's ranche, where they were joined at sundown by the other members of the company, who, after a brief consultation, rode on to Virginia City. After they had gone, the leader lay down in his blanket on the parlor floor, to snatch a few hours of repose. Precisely at ten o'clock, he was awakened by a slight shake, and the words, —

"The hour has arrived. We mean business, and are waiting for you."

He arose and went to the bar-room, where Brown and "Red" lay in the corner asleep. "Red" was the first to awaken. Rising to his feet, he addressed the leader in a sad and desponding tone, —

"You have treated me like a gentleman," said he. "I know that my time has come. I am going to be hanged."

"That's pretty rough, 'Red,'" interjected the leader.

"Yes. It's pretty rough, but I merited it years ago. What I want to say is, that I know all about this gang. There are men in it who deserve death more than I do; but I should die happy, if I could see them hanged, or know it would be done. I don't say this to get off. I don't want to get off."

"It will be better for you, 'Red,'" said the Vigilantes, "at this time to give us all the information in your possession, if only for the sake of your kind. Times have been very hard. Men have been shot down in broad daylight, not alone for money, or even hatred, but for mere luck and sport, and this must have a stop put to it."

"I agree to it all," replied "Red." "No poor country was ever cursed with a more bloodthirsty or meaner pack of villains than this, — and I know them all."

On being urged by the leader to furnish their names, which he said should be taken down, "Red" told him that, —

Henry Plummer was chief of the band; Bill Bunton, stool pigeon and second in command; George Brown, secretary; Sam Bunton, roadster; Cyrus Skinner, fence, spy, and roadster; George

Shears, horse thief and roadster; Frank Parish, horse thief and roadster; Hayes Lyons, telegraph man and roadster; Bill Hunter, telegraph man and roadster; Ned Ray, council-room keeper at Bannack City; George Ives, Stephen Marshland, Dutch John (Wagner), Alex Carter, Whiskey Bill (Graves), Johnny Cooper, Buck Stinson, Mexican Frank, Bob Zachary, Boone Helm, Clubfoot George (Lane), Billy Terwiliger, Gad Moore, were roadsters.

These men were bound by an oath to be true to each other, and were required to perform such services as came within the defined meaning of their separate positions in the band. The penalty of disobedience was death. If any of them, under any circumstances, divulged any of the secrets or guilty purposes of the band, he was to be followed and shot down at sight. The same doom was prescribed for any outsiders who attempted an exposure of their criminal designs, or arrested any of them for the commission of crime. Their great object was declared to be plunder, in all cases without taking life if possible; but if murder was necessary, it was to be committed. Their pass-word was "Innocent." Their neckties were fastened with a sailor's knot, and they wore mustaches and chin whiskers. He was himself a member of the band, but not a murderer.

Among other disclosures, "Red" attributed his hapless condition to Bill Hunter, at whose instigation, years before, he had entered upon a career of infamy. He hoped the committee would not spare him. He gave the particulars of the robberies of the coaches, and the names of all engaged in them, and in the commission of many other crimes.

After listening to this frightful narrative, and making such memoranda as they might need for future operations, the little party of Vigilantes carefully reconsidered the vote they had taken, and decided that the two culprits should be executed immediately. In the course of the narrative, "Red" had fully implicated Brown. In the Indian campaign in Minnesota in 1862, Brown was a scout for Gen. William R. Marshall, who regarded him as not a notoriously bad man, but as one who had little moral principle or force of character, and who was easily influenced by his associates.

Less than a quarter of a mile distant, in rear of Lorrain's, on a beautiful curve of the Pas-sam-a-ri, stood several majestic cottonwoods, by far the finest trees in all that region. Two, which stood side by side, were selected as the scaffolds. It was a dim starlit night, and a lantern was necessary to complete the preparations for the execution. The cold blast from the immediate mountains howled fearfully as the little procession tramped through the snow, with their prisoners in charge, to the fatal spot. The night was not darker than the gloom which had settled upon the minds and hearts of these condemned wretches. "Red," however, was perfectly collected. Not a sigh escaped him, nor a tear dimmed his eyes. Brown was all excitement. He begged piteously for mercy, and prayed for his Indian wife and family. They were in Minnesota. "Red," more affected by the terror and moans of his comrade than his own hapless condition, said to him in a sad but firm tone, —

"Brown, if you had thought of this three years ago, you would not be here now, or give these boys this trouble."

A few branches were clipped from a lower limb of each of the trees, and the ropes suspended. Two stools brought from the ranche, by being placed one upon the other, served the purpose of a drop. A Vigilante, while adjusting the noose to the neck of Brown, stumbled, and both he and Brown fell together into the snow. Recovering himself, he said, by way of apology, —

"We must do better than that, Brown."

It was a chance remark, proceeding from a motive which it failed to express; better interpreted by those who heard it, than I fear it will be by my readers.

When all was ready, Brown, with the petition upon his lips, "God Almighty save my soul," was launched from the platform, and died without a struggle.

"Red" witnessed the scene unmoved. When his turn came, and he stood upon the frail trestle, he looked calmly around upon his executioners.

"I knew," said he, "that I should be followed and hanged, when I met the party in Deer Lodge valley; but I wish you would chain me, and not hang me until after I have seen those punished who are guiltier than I."

Just before he fell, he shook hands with all, and then turning to the Vigilante who had escorted him to Lorrain's, he said, —

"Let me beg of you to follow and punish the rest of this infernal gang."

"'Red,'" replied the man, "we will do it, if there's any such thing in the book."

"Good-by, boys," said "Red," "you're on a good undertaking. God bless you."

The stools fell, and the body of the intrepid freebooter swung lifeless in the midnight blast.

CHAPTER VII.

LLOYD MAGRUDER.

HILL BEACHY'S DREAM — LLOYD MAGRUDER'S TRIP FROM LEWISTON TO BANNACK — FOLLOWED BY HOWARD, ROMAINE, LOWRY, PAGE, AND ZACHARY — COMPLETES HIS SALES AT VIRGINIA CITY, AND SETS OUT ON HIS RETURN — HOWARD, LOWRY, ROMAINE, AND PAGE EMPLOYED AS ASSISTANTS ON THE ROUTE — THE BROTHERS CHALMERS, CHARLES ALLEN, AND EDWARD PHILLIPS, ACCOMPANY THEM — MURDER OF MAGRUDER, THE CHALMERS BROTHERS, PHILLIPS, AND ALLEN — SUBSEQUENT PLUNDER OF THE TRAIN — CRUEL SLAUGHTER OF THE HERD — ROBBERS FOILED IN ATTEMPTING TO CROSS THE COLUMBIA RIVER — THEY ARRIVE AT LEWISTON — RECOGNIZED BY BEACHY — LEAVE LEWISTON.

"IN the name of all that is wonderful, Hill, what has kept you up till this late hour?" was the eager inquiry of Mrs. Maggie Beachy of her husband, when that gentleman entered his house at two o'clock in the morning.

"Well, Maggie," replied her husband, "you remember my dream about Lloyd Magruder? I fear it has all come true. Indeed, I am perfectly certain poor Lloyd has been murdered."

"Nonsense, Hill," rejoined the wife. "Will you never have done with your unfounded suspicions? You will make yourself the laughing-stock of the whole country, and bring all the roughs in it about your ears, if you don't cease talking about Magruder."

"I can't help it, wife," persisted Beachy. "Those three rascals, Doc. Howard, Chris Lowry, and Jim Romaine, with another hangdog-looking fellow, came into town to-night in disguise, and, under assumed names, took passage in the coach to Walla Walla. They followed Magruder to the Bannack mines, and have doubtless killed him while on his way home. Their cantinas are filled with his gold dust."

"How improbable, Hill," said Mrs. Beachy, smiling. "Why, only yesterday Lloyd's wife received a letter from him, saying that he would not start for twelve days, and that he would have a strong company with him."

"Well, well, Maggie, let's drop the subject. Time will tell whether my suspicions are correct."

Let us inquire into the cause of Hill Beachy's terrible suspicion.

Three months before this conversation occurred, Lloyd Magruder, a wealthy merchant of Elk City, loaded a pack train with merchandise, and made the long and dangerous journey of five hundred miles, by an Indian trail over the mountains to the Bannack mines in that part of Idaho afterwards embraced in the boundaries of Montana. The night preceding his departure, Hill Beachy, the landlord of the Luna House in Lewiston, a warm personal friend of Magruder, dreamed that he saw Chris Lowry dash Magruder's brains out with an axe. He related the dream to his wife the next morning, and expressed great fears for the safety of his friend. She was desirous of telling Magruder; but as his investment was large, and he was ready to start upon his journey, Beachy thought it would only introduce a disturbing element into the enterprise, without effecting its abandonment, and expose him to the laughter and sneers of the public. But he did not conceal the anxiety which the dream had occasioned in his own mind, and was greatly relieved when news came, six weeks afterwards, of the safe arrival of Magruder at Bannack.

On the morning of the day after Magruder left Lewiston, Howard, Lowry, and Romaine, in company with Bob Zachary and three other roughs, departed with the avowed intention of going to Oregon. As soon, however, as they had proceeded a sufficient distance in that direction to escape observation, they turned towards Bannack, and after a few days' journey were joined by William Page, an old mountain teamster. The party followed on in the track of Magruder's train, which they overtook when within three days' journey of Bannack, and accompanied it to its place of destination.

Magruder was disappointed, on his arrival at Bannack, to learn that the camp had been deserted by most of the miners, who had gone to the extensive placer mines in Alder gulch at Virginia City, seventy-five miles distant, where the writer was then residing. Three days afterwards, however, he was well satisfied, on his arrival there, to find an active mining camp of six thousand inhabitants, all eager to purchase his wares as rapidly as they could be displayed. Howard, Lowry, Romaine, and Page found comfortable quarters in the building occupied by Magruder, and were provided by him with employment during his six weeks' stay in Virginia City. No one, except himself, knew better than they the amount of his accumulations. His confidence in them was unbounded. On his offer to pay them two hundred dollars each, they had agreed to accompany him as assistants and guards on his return to Lewiston. The negotiations with Magruder for their employment were conducted by Howard, who was a physician of marked ability, and whose pleasing address was well calculated to allay all suspicion concerning their real motives in joining the party. Howard, Lowry, and Romaine, while at Lewiston, were classed among the vilest roughs of the town. The former two were understood to be escaped convicts from the California penitentiary. They had been concerned in numerous robberies, and were suspected of connection with Plummer's infamous gang. Magruder, whose residence was at Elk City, was entirely unacquainted with their history, and, from the simulated fidelity of their conduct while in his employ, had no reason to suspect them of criminal designs. He was very fortunate in the disposition of his merchandise, realizing therefor twenty-four thousand dollars in gold dust, and a drove of seventy fine mules.

A few days before his departure from Virginia City, Charley Allen, a successful miner, and two young men, brothers, by the name of Horace and Robert Chalmers, who had just arrived in the mountains from Boonville, Missouri, and William Phillips, an old pioneer in the country, arranged to unite their trains with his, and all make the trip together as one company. Romaine tried to dissuade Phillips from going with the others, but gave no reason for what seemed to the latter a strange request.

It was a bright October morning when the train left Virginia City, and moved slowly down Alder creek, into the picturesque valley of the Pas-sam-a-ri. The sun shone; the mountain atmosphere was crisp and exhilarating. The long plain stretching away to the base of the Ruby range, reflected upon its mirror-like surface that magnificent group of pine-covered mountains, along whose sides glinted in the sunbeams the bewitching hues that give them their name. Towering on the right, rose the twin pinnacles of Ramshorn and Mill Creek; and, afar in the distance, painted upon the horizon, was the superb outline of the main range of the old Rockies, and Table Mountain lifting its glittering plateau of snow far above the surrounding peaks. Filled with the inspiration naturally enkindled by these majestic views, the men, with all the animation and abandon of uncaged schoolboys, shouted and sung as they galloped along and hurried the train across the widespread valley. Into the hills, over the mountains, across the streams, through the cañons they scampered, entering Bannack the third day, just as the sun was setting.

Business detained them at Bannack the three following days. With the design of misleading the villains at Lewiston who might be on the watch for his return, Magruder sent by a company which left the morning after his arrival, a letter to his wife, telling her of his success, and that he would leave for home with a train strongly guarded, in twelve days. While he was thus planning the way for a safe return, Howard was equally busy in maturing a scheme to rob him on the route. This infernal project, the fruit of long contemplation, he now for the first time unfolded to Lowry and Romaine, who gave it their eager compliance. Meeting with Bob Zachary, he confided it to him; but, on learning that it could not be effected without the possible murder of Magruder, and the four persons accompanying him, Zachary, villain as he was, declined all participation in it. It was understood by the three, that on the eighth day of the journey, when the train would make camp in the Bitter Root mountains, at a distance of one hundred miles or more from any white settlers, they would carry their diabolical design into execution. Howard declared that it could not be done without killing the five owners of the trains. Page was to be kept in ignorance of the plot until the eve of its performance.

Animated with the hope of an early re-union with his family, Magruder, with his companions, left Bannack one bright autumnal morning, and dashed with his train into the manifold intricacies of the mountain labyrinth. The burden of care with which one is oppressed, while travelling through an uninhabited region, exposed continually to the attacks of Indians and robbers, is always relieved by a sort of wild exhilaration inseparable from the shifting of scenery, and the varied occupations and incidents of the journey. And when day after day passes, without any change in the same monotonous round of employment, men sometimes desire the variety of a brush with the Indians, or a deer chase, or an antelope hunt, to ward off their mental depression. But save an occasional foray upon a herd of antelopes, the train moved safely onward, without impediment. The three ruffians were particularly attentive to the duties required of them, winning golden opinions from those they intended to destroy.

On the evening of the sixth day, the train descended into the valley of the Bitter Root. The lofty range of mountains which now forms the boundary between Montana and Idaho stretched along the horizon displaying alternate reaches illumined by the departing rays of the sun, and darkened by the shadows of overhanging clouds.

"In three days more," said Magruder, "we shall descend the range into Idaho, and all danger will be over."

Near the close of the second day thereafter, as the mules were slowly creeping up the trail, when near the summit, Howard rode alongside of Page, and in a tone of fearful earnestness said to him, —

"Page, when we go into camp, to-night, drive the mules half a mile away, and remain with them till supper time. We are going to kill Magruder and his four friends. You can help dispose of the bodies when the work is done, and share in the plunder. As you value your own life, you will not breathe a word of this to any one."

Had a thunderbolt fallen at the feet of Page, he could not have been more terrified. Reckless as his life had been, no stain of blood was on his soul. Gladly would he have warned Magruder, but the fearful threat of Howard was in his way. Besides, as Howard had grown into great favor, he felt that he would not be believed. He decided the conflict with conscience, by resolving to follow the directions of the conspirators.

The spot was not unfamiliar. It had been often occupied for camping purposes, and was specially favored with water and pasturage. It was also sheltered by the impenetrable foliage of a clump of dwarf pines and redwoods. Five minutes' clamber of the vertebrated peak which rose abruptly above the camp-fire, would enable one to survey for many miles the vast volcanic region of mountains, hills, and cañons over which the trail of the traveller, like a dusky thread, stretched on towards Lewiston.

The train drew up on the camping ground a little before dark. The sky was overcast with snow clouds, and the wind blew chill and bleak. Every sign indicated the approach of one of those fearful snowstorms common at all seasons in these high latitudes. All the men except Page, who was with the herd, were gathered around the camp-fire, awaiting supper. As Page, staggering under the burden of his guilty secret, came to the camp in answer to a call to supper, Howard met him, and in an ominous whisper, warned him to retire as soon as his meal was finished, and not to be seen about the camp until he was wanted.

Magruder and Lowry were assigned to stand guard and watch the herd until ten o'clock, — the hour agreed upon for the commission of the crime. Page had built a fire for their accommodation. As they rose to leave the camp, Lowry, picking up an axe, remarked, —

"We shall probably need some wood, and I'll take the axe along."

Their departure was regarded as a signal for all to retire. Page had spread his blankets and lain down some time before, "not," as he afterwards said, "to sleep, but to await the course of events." Allen crept in by his side. The Chalmers brothers had made their bed twenty yards distant from the camp-fire; and Romaine, armed to perform the part assigned to him, stretched himself beside Phillips, his unsuspecting victim. Howard, the arch and bloody instigator of the brutal tragedy, demon-like, roamed at large, ready for any service, when the hour came, necessary to finish the deed.

The evening wore on. The sleep of toil-worn men comes when it is sought; and soon the only wakeful eyes in the camp were those of the watchers at the herd, Howard, Romaine, and the wretched Page.

The friendly conversation between Magruder and Lowry, as they sat side by side at the fire, was not interrupted, until the former looked at his watch.

"It is nearly ten," said he, filling his meerschaum, while unconsciously announcing the hour of his doom.

"I will put some wood on the fire," said Lowry, picking up the axe, and rising.

Magruder bent forward towards the fire to light his meerschaum, when the axe wielded by Lowry descended with a fearful crash into his brain. Howard, who had been concealed near, sprung forward, and snatching the axe from Lowry, who seemed for the moment paralyzed at the deed he had committed, struck several additional blows upon the already lifeless body of the unfortunate man. The villains then hurried to the spot where the Chalmers brothers were lying, and while they were despatching them with the axe, Romaine plunged a bowie knife into the abdomen of Phillips, exclaiming at the moment, with an oath, —

"You old fool, I have to kill you. I told you at Virginia City not to come."

Allen, wakened by the death groan of young Chalmers, had risen to a sitting posture, and was rubbing his eyes, when Howard stole behind him, and blew out his brains, by a simultaneous discharge of buck-shot from both barrels of his gun into the back part of his head.

The work of assassination was complete. The murderers, unharmed, were in possession of the gold which had caused the dreadful deed.

Page, who had not left his bed, was now summoned by Howard to assist in the concealment of the bodies. Knowing that his life would pay the forfeit of disobedience, he hurried to the camp-fire, where Lowry greeted him with the soul-sickening words, —

"It's a grand success, Bill. We never made a false stroke."

A heavy snowstorm now set in. The assassins occupied the remainder of the night in destroying and removing the evidences of their guilt. The bodies of their victims were wrapped in blankets, conveyed to the summit of an adjacent ridge, and cast over a precipice into a cañon eight hundred feet deep, where it was supposed they would be speedily devoured by wolves. The camp equipage, saddles, straps, blankets, guns, pistols, everything not retained for immediate convenience, were burned, and all the iron scraps carefully collected, put into a sack, and cast over the precipice. All the while these guilty deeds were in progress, the storm was increasing. When the morning dawned, not a vestige of the ghastly tragedy was visible. The camp was carpeted to the depth of two feet with snow, and the tempest still raged. The murderers congratulated each other upon their success. No remorseful sensations disturbed their relish for a hearty breakfast. No contrite emotions affected the greedy delight with which each miscreant received his share of the blood-bought treasure. No dread lest the eye of the All-seeing, who alone had witnessed their dark and damning atrocity, should betray them, mingled with the promises they made to themselves of pleasures and pursuits that this ill-gotten gain would buy in the world where they were going. One solitary fear haunted them, — that concerning their escape from the country.

When this all-absorbing subject was mentioned, they saw and felt the necessity of avoiding Lewiston; their presence there would excite suspicion. Howard advised that they should go to a ford of the Clearwater, fifty miles above Lewiston, and cross over and make a hurried journey to Puget Sound. There they could take passage on a steamer to San Francisco or to British Columbia, as after events might dictate. This counsel was adopted. Mounting their horses, they made a last scrutinizing survey of the scene of their hellish tragedy, now covered with snow, and plunged down the western slope of the mountains, amid the rocks and cañons of Northern Idaho. The expression of Howard, as he reined his horse away from the bloody theatre, may be received as an indication of the sentiments by which all were animated.

"No one," said he, "will ever discover from anything here the performance in which we have been engaged. If we are only true to each other, boys, all is safe."

The animals, with the exception of one horse and seven mules, were abandoned, but, accustomed to follow the tinkle of the bell still suspended to the neck of the horse, the herd soon appeared straggling along the trail behind the company. The heartless wretches, thinking to frighten the animals away, at first shot them one by one as they came within rifle distance. Finding that the others continued to follow, they finally drove the entire herd, seventy or more in number, into a cañon near the trail, and mercilessly slaughtered all the animals composing it.

Avoiding Elk City by a circuitous route, the party, after several days' travel, arrived at the ford of the Clearwater. Two broad channels of the river at this crossing encircled a large island. A mountain torrent at its best, the river was swollen by recent rains, and its current running with frightful velocity. Page, who was perfectly familiar with the ford, dashed in, and was followed by Lowry. They were obliged to swim their mules before reaching the island, and had still a deeper channel to cross beyond. Romaine and Howard, who had witnessed the passage from the bank, were afraid to risk it. A long parley ensued, which finally terminated in the return of Page and Lowry, and an abandonment of the ford. A single day's rations was all the food the company now possessed. None could be obtained for several days, except at Lewiston, the mention whereof brought their crime before the ruffians with terrible distinctness. But there was no alternative. Risk of detection, while a chance presented for escape, was preferable to physical suffering, from which there was none. They encountered the risk. Near Lewiston they fell in with a rancheman, to whom they committed their animals, with instructions to keep them until their return, and, concealing their faces with mufflers, entered the town at a late hour of the evening.

With the design of stealing a boat, and making a night trip down Snake river, to some point accessible to the Portland steamboats, they proceeded at once to the river bank fronting the town. Piling their baggage into the first boat they came to, they pushed out into the stream. The wind was blowing fearfully, and the maddened river rolled a miniature sea. They had proceeded but a few rods when a sudden lurch of the boat satisfied them that the voyage was impracticable, and they returned to shore.

Their only alternative now was to secure a passage that night in the coach for Walla Walla, or remain in Lewiston at the risk of being recognized the next day. It was a dark, blustering night. Hill Beachy, whose invariable custom it was to retire from the office at nine o'clock, from some inexplicable cause became oblivious of the hour, and was seated by the stove, glancing over the columns of a much-worn paper. His clerk stood at the desk, preparing the way-bill for the coach, which left an hour later for Walla Walla. The street door was locked. Suddenly the silence without was broken by the heavy tramp of approaching footsteps. A muffled face peered through the window. Beachy's attention was arrested by a hesitating triple knock upon the door, which seemed to him at the time ominous of wrong. Catching the lamp, he hurried to the door, on opening which a tall, well-proportioned man, in closely buttoned overcoat, with only his eyes and the upper portion of his nose visible, entered, and with a nervous, agitated step, by a strangely indirect, circular movement, advanced to the desk where the clerk was standing.

Addressing the clerk in a subdued tone, he said, "I want four tickets for Walla Walla."

"We issue no tickets," replied the clerk, "but will enter your names on the way-bill. What names?" he inquired.

For a moment the stranger was nonplussed. Recovering himself instantly, with seeming *nonchalance*, he gave the names of John Smith and his brother Joseph, Thomas Jones and his brother Jim; and, throwing three double eagles upon the desk, he hastily departed.

As he closed the door, Beachy said to the clerk, "I'm afraid there will be a stage robbery to-night. Go to the express office and tell the agent not to send the treasure chest by this coach. Don't wake the passenger in the next room. I will see the citizens who have secured passage, and request them to wait until to-morrow."

Still reflecting upon the suspicious conduct of the visitor, Beachy determined to get a sight of his companions. "There are too many Smiths and Joneses to be all right," he said to himself, as he slipped the hood over his dark lantern and took his way to the hotel where they lodged. Ascertaining that their apartment fronted the street, he stole quietly up to the window, which was protected by shutters with adjustable lattice. This, by a cautious process, he opened, and, peering through, beheld the four inmates, three of whom he recognized as the ruffians who had left Lewiston and gone to Bannack three months before.

More deeply confirmed than at first in the belief that a robbery was intended, he awaited the approach of the coach, designing to make a careful survey of the group after they were seated preparatory to departure. Fifteen or twenty persons, who had heard of Beachy's suspicions, several of whom were old associates of Howard and his companions, followed the coach from the barn to the hotel.

Enveloped in overcoats and blankets, their faces concealed by mufflers, and their hats drawn down to hide their eyes, the four men clambered into the coach. Just as the driver gathered up his lines Beachy opened his lantern, and before the men could wrap their blankets around them, his quick eye detected that two of the number had each a pair of well-filled cantinas on his lap. After the coach had driven off, he turned to Judge Berry, who was standing near, and, in a low but meaning tone, said, —

"Lloyd Magruder has been murdered."

"What makes you think so?" inquired the judge. "Do you recognize these fellows?"

"Yes, three of them: Howard, Lowry, and Romaine. Their cantinas are filled with Magruder's money. I'll furnish horses and pay all expenses if you and the sheriff will join me, and we'll arrest them to-night."

"Arrest them for what?" asked the judge.

"On suspicion of having murdered Magruder."

"Why, Hill, the whole town would laugh at us. We certainly could not detain them without evidence. Besides, your suspicions are groundless. Mrs. Magruder told me last evening that she did not expect her husband for ten or twelve days. Let matters rest for the present."

"I know that Magruder is dead, and that these villains killed him, as well as if I had seen it done," rejoined Beachy. "From this time forth, I am on their track."

Bidding the judge good-night, he wended his way home, and, on entering his house, held the conversation with his wife with which this chapter opens.

HILL BEACHY,
Lloyd Magruder's Avenger.

UNIV. OF MICH.

CHAPTER VIII.

HILL BEACHY.

BEACHY'S DEVICES TO FERRET OUT THE MURDER — HIS TRIP UP SNAKE RIVER WITH TOM FARRELL — DISAPPOINTMENT — FINDS THE ANIMALS RIDDEN BY THE MURDERERS — THE STORY OF THE SADDLE — THE INDIAN BOY — RECOGNITION OF THE HORSE — BEACHY'S PURSUIT OF THE ROBBERS — PROVIDENTIAL OCCURRENCES — ARRIVAL AT PORTLAND — SUCCESSFUL RUSE — DEPARTURE OVERLAND FOR SAN FRANCISCO — TELEGRAPHS FROM YREKA — ROBBERS ARRESTED — THE LAW'S DELAY — RETURN WITH PRISONERS — PAGE ADMITTED AS STATE'S EVIDENCE — CONVICTION AND EXECUTION OF HOWARD, LOWRY, AND ROMAINE — VIOLENT DEATH OF PAGE.

MR. BEACHY's convictions gave him no rest. Without a shadow of evidence to sustain him, or a clew to guide him, he went to work to ferret out the crime. His friends laughed at and discouraged him. The roughs of Lewiston threatened him. A few charitably attributed his conduct to mental derangement. The face of every person he met wore a quizzical expression, which seemed to imply both pity and ridicule. Often, when thwarted, he half resolved to abandon the pursuit, but a voice within whispered him on with assurance of success, and he could not, if he would, recede. Three days were spent in a fruitless search for the animals which he knew must have borne the men to town. At the close of the third day a party arrived from Bannack. The first inquiry he addressed to them after the usual salutation was, —

"Where is Magruder?"

"Hasn't he arrived?" was the surprised rejoinder. "He left four days before us, intending to come through as quickly as possible."

Beachy heard no more.

"He is dead," said he, "and I know the murderers."

"Tut, tut, Hill, you're too fast. He has probably gone around by Salt Lake. He'll be in all safe in a few days."

Beachy resumed his search for the animals. In a few days a man came in from some point above Lewiston, and reported having seen, on his ride down the river, a party of four men encamped in a solitary nook on the opposite bank. The thought flashed through Beachy's brain that they were the murderers, who, thwarted in their effort to leave the country at Walla Walla, had returned by a circuitous route, in search of a point more favorable.

In Tom Farrell, a harum-scarum dare-devil of the town, Beachy found one man who shared his suspicions. He consented to go with and aid him in arresting these men. It was freezing weather, and the trail was rough and mountainous. Both men were well armed and of undoubted courage. Urging their horses to their utmost speed, they rode on till past the hour of noon, when Tom descried a thin column of smoke ascending from the camp of the supposed freebooters. Securing their horses in a thicket, they crept to a point where, concealed by the willows, they could observe all parts of the camp. Alas for their hopes! The suspected robbers developed into a hunting party of honest miners, who were enjoying a little holiday sport in the mountains. Worn down with fatigue and anxiety, they returned to Lewiston, to encounter afresh the gibes and sneers of the people at the failure of this sorry expedition.

Another day of patient search was rewarded with the discovery of the rancheman who had possession of the animals. Beachy returned from a visit to his ranche, bringing with him one horse and seven mules, and the saddles, bridles, and other accoutrements, which he submitted to the inspection of the citizens. Not an article was identified as the property of Magruder. One man thought an old saddle resembled one that he had seen in Magruder's possession, but, as old saddles were plenty, this one, without any distinctive marks, was valueless as evidence.

Thus far Beachy's investigations had only involved the subject in deeper mystery; but as day after day passed, bringing no tidings of his friend, he felt an increasing conviction of the great evil that had befallen him. Reflecting upon the partial identification of the saddle, "Perhaps," thought he, "this may furnish a clew. If the saddle ever belonged to Magruder, some of his family will identify it. I have it. Jack will certainly know it. I can but try him." He suspended the saddle on a small peg attached to the stall occupied by his pacing-horse.

Jack was an Indian boy who had been Magruder's hostler for several years. Late in the afternoon Beachy met him.

"Jack," said he, accosting him, "don't you want to take a ride?"

"I am always ready for that, Mr. Beachy."

"Well, our cows haven't come home to-night.

I'll have my pony in the stable in ten minutes, and you can saddle him, and have a good time hunting them. Will you go?"

"All right," replied Jack, "I'll be there."

Beachy immediately went to the stable, and, ascending to the haymow, placed himself in a position where he could observe the actions of Jack when he saddled the pony. The boy was punctual. Leading the pony from the stall, he took down the saddle and placed it on him.

"It's a failure," reflected Beachy, as the boy fastened the girth, and seized the pommel preparatory to mounting.

Just at this moment Jack's eye caught sight of the stirrup. He paused, and, taking it in his hand, surveyed it narrowly. An expression of surprise stole over his face. Dropping the stirrup, he caught up the crupper and examined it more carefully. He then looked at other parts of the saddle in detail. At length he mounted, and, while leaving the stable, looked back with astonished interest upon the crupper. The cows at this time were discovered on their way home. Jack rode around and drove them up, and, dismounting, said to Beachy, who met him at the stable door, —

"Mr. Beachy, this is Massa Magruder's saddle. He took it with him when he went to Bannack. How came it here?"

"How do you know it is his, Jack?"

"By that crupper. There's where I mended it myself with a piece of buckskin. I know it's the same old saddle. I've ridden on it a hundred times."

"A clew at last!" said Beachy. "I'll follow it up. Jack cannot be mistaken."

Calling to some friends who were passing, he told them the result of his experiment. The old saddle was produced, and Jack was examined. Alarmed at the scepticism of his interrogators, Jack wavered in faith, and his testimony only confirmed the belief that Beachy was crazy.

The following day a train was seen descending the mountain by the Nez Perce trail. A tall man, seemingly the leader, who wore a peculiar hat, like Magruder's, was pointed out as the missing man. Hundreds of eyes watched the slow descent of the mules into the valley. The wife of Magruder, whose thoughts and feelings had been alternating between hope and fear for a week or more, awaited with delighted surprise the certain approach of her husband. Hill Beachy looked on with doubtful interest, hoping, but faithless. Alas! it was not Magruder.

> "For him no more the blazing hearth shall burn,
> Or busy housewife ply her evening care."

When the train-master, in reply to their eager inquiries, expressed his own surprise, and told them that Magruder should have reached home ten days before, the people for the first time felt that he might have fallen a victim to robbers. Still they doubted. The crime was too great, involved too many lives, and the probability that he had changed routes and was returning by the way of Salt Lake was greater than that he and his large train had been destroyed.

Firm in his belief, Beachy, like a sleuth-hound, continued to follow the track leading to discovery. "They do not know the desperate character of those villains," he said, as he turned from the crowd to pursue the clew furnished by Jack. His wife, who until this time had feared for his safety at the hands of the town ruffians, now for the first time gave him encouragement.

Falling in company with the men who had just arrived from Bannack, he plied them with inquiries concerning Magruder's operations there.

"Why," observed one, "he told me on the

morning he left that he should surprise his wife, for he had written her the day before that he would not leave for ten days. 'She will tell this to all inquirers,' said he, 'and the roughs of Lewiston will be thrown off their guard. I shall reach home about the time they think I will leave here.' "

"Would you know any of the stock?" inquired Beachy.

"Yes; there was one large, white-faced sorrel horse belonging to some of the party, that was a very good race-horse. I saw him run one night, when some of the boys were at our camp. I think I should know him. They intended to bring him here, and make a race-horse of him."

The only horse which Beachy had found in possession of the rancheman corresponded with this description. He placed him in one of a long range of stalls in his stable, in each of which was a horse, and requested his informant to select him, if possible, from the number. When the man came to the sorrel, he said, —

"If this horse were two or three sizes larger, I should think he might be the one I saw; but he is too small, and I know nothing of the others."

Knowing how much the size of a horse is seemingly increased when in motion, Beachy saddled the sorrel, and told his hostler to lead him to the end of the street, mount, and run him at his best speed back to the stable. As he dashed down to the spot where Beachy and the man were standing, the latter involuntarily raised his hands and exclaimed, —

"My God! that *is* the identical animal."

"You are sure?" said Beachy.

"I would swear to it," was the instant reply.

"And now," thought Beachy, "I have a white man on my side. The evidence is sufficient for me. To-morrow I start for the murderers."

Armed with requisitions upon the governors of all the Pacific States and Territories, the next morning Beachy, accompanied by the indomitable Tom Farrell, made preparations for his departure. When all was ready, his wife, who had felt more keenly than he had the ridicule, sneers, indifference, and malignity with which his efforts had been regarded, with tearful eyes approached him, and, taking him by the hand, in a tone softened by the grief of parting, said to him, —

"Hill, you must either return with those villains, or look up a new wife."

"The look which emphasized these words," says Beachy, "the expression, the calm, sweet face which said stronger than words that failure would kill her, filled me with new life. They were worth more than all the taunts I had received, and I bade her adieu with the determination to succeed."

While Mr. Beachy was speaking thus fondly of his wife, whose death had occurred but a few months before he narrated to me these incidents, the tears rolled down his cheeks, — and he added in a voice broken with emotion, "I then felt that the time had come when I needed something more than human help, and I went out to the barn and got down upon my knees and prayed to the Old Father, — and that's something I haven't been much in the habit of doing in this hard country, — and I prayed for half an hour; and I prayed hard; and I promised that if He'd only help me this time in catching these villains, I'd never ask another favor of Him as long as I lived, *and I never have.*"

Three changes were made in the transmission of the mail over the route between Lewiston and Walla Walla. The log dwellings and stables at the several stations were the only evidences of settlement for the entire distance. Beachy was the proprietor of the stage line. His station-keepers had been in the habit of transporting way travellers over parts of the road, for pay, at times when the horses were unemployed. This practice had been strictly forbidden by Beachy. But when he and Tom Farrell drove up to the first station, such was his anxiety to overtake the fugitives, that he did not stop to reprimand the unfaithful employé, who had just harnessed the stage horses to a light wagon, with the intention of turning a dishonest penny. He took the wagon himself, and without delay drove to the next station, arriving there in time to hitch a pair of horses just harnessed by the hostler for his own use, to his wagon, and hurry on to another station. Here, as he and Tom alighted, a light buggy with a powerful horse came alongside. The driver was an old acquaintance. He was going to Walla Walla in haste for a physician. Beachy offered to do his errand if he would allow him to proceed in his buggy. The gentleman assented. The horse's flanks were white with foam when, at dark, Beachy and Tom Farrell rode into Walla Walla.

Before entering the town, Beachy concealed his face in a muffler, to avoid recognition. Half-way up the street he observed a man, of whom he expected to obtain information, engaged with another in conversation. Jumping from the wagon he approached him cautiously, and, by a significant grip, drew him aside and made known his business.

"They left four days ago for Portland," said the man, "with the avowed intention of taking the first boat to San Francisco. They were here two days, lost considerable at faro, but took plenty of gold dust with them."

"Did they explain how they obtained their money?"

"Yes. Howard said that they, in company with five others, had purchased a water ditch in Boise Basin, and had been renting the water to the miners at large rates. The miners became dissatisfied with their prices, and a fight ensued. Men were killed on both sides, and they were the only members of the ditch company that escaped. They were now on their way out of the country, to escape arrest. They feared the authorities were pursuing them."

While engaged in this conversation, Captain Ruckles, the agent of the Columbia River Steamboat Company, happened to pass. Beachy hailed him, and told his story. Ruckles gave him authority to use a whitehall boat in descending the river from Wallula, and an order upon the captain of the downward bound steamer from Umatilla, to consult his convenience on the trip to Portland.

The evening was far advanced when Beachy and Farrell started on a midnight drive of thirty miles to Wallula. Day was breaking when they drove up to the landing. The river, at all times boisterous, had been swollen by the flood into a torrent. Rousing a wharfinger, they were informed that all navigation was suspended until the waters should abate, that no steamboats had been there for several days, and to attempt the passage of Umatilla rapids in a whitehall boat would be madness.

Fortunately, the next man Beachy met was Captain Ankeny, an old river pilot, who knew every crook and rock in the channel.

"It's a dangerous business," said the captain, after listening to his story, "but I think we can make it in a whitehall boat. At all events, if it's murderers you're after, it's worth the risk. I'll take you down if anybody can."

At daylight the three men, with the pilot at the helm, pushed out into the stream, every spectator on shore predicting disaster. It was, indeed, a lively passage, and not a few hairbreadth escapes were attributable to the skill of the man who knew the channel. The boat dashed through the rapids, and rounded to at Umatilla, twenty-two miles below, two hours after it left Wallula.

Beachy found a willing coadjutor in the captain of the steamboat at Umatilla, and, to expedite the departure of the boat, employed eighteen men to assist in discharging the cargo. When the boat had blown her last whistle and rung her last bell, two large wagons laden with emigrants, who had just arrived after a tedious journey across the plains, thundered down to the wharf to be taken aboard.

"Too late," shouted the captain. "The boat cannot be delayed. Cast off."

The spokesman for the emigrants pleaded hard for a passage. Beachy relented.

"Take them on board for luck," said he to the captain.

No other cause for detention occurring, the boat swung off, and proceeded down the river, arriving at Celilo, eighty-five miles below, late in the evening. From that point navigation is impeded by rapids for sixteen miles, which distance is travelled by railroad. The cars would not leave until the next morning, — a delay which might afford the fugitives time for escape. In this exigency Beachy applied to the emigrants, and by pledging the boat as security for the return of their horses, and paying a round sum, hired three of them to convey Captain Ankeny, Farrell, and himself to the Dalles. It was after one o'clock in the morning when they entered Dalles City. Ankeny and Farrell rode down to the hotel to reconnoitre, and report to Beachy, who awaited their return in the outskirts. It was a bright, starlight night. A man, whose form Beachy recognized, passed hurriedly by the spot where he stood. Hailing him, he unfolded the object of his mission, and learned that three of the party he was pursuing had left the Dalles on a steamboat for Portland two days before. The other, he was afterwards informed, had gone since.

In company with Tom Farrell, he took passage on the next steamer for Portland, arriving there twenty-four hours after the fugitives had left for San Francisco. Farrell hurried on to Astoria, the only port where the steamer stopped on its passage to the ocean, to ascertain if they had landed there, while Beachy put in execution a little scheme by which he hoped to obtain full information concerning their future movements.

A year before this time, Beachy had concealed from the pursuit of the Vigilantes at Lewiston a young man accused of stealing, whom he had known in boyhood. During his concealment, with much other information, he told Beachy of the robbery of a jewelry establishment at Victoria, in British Columbia, in which he was concerned with

Howard, Lowry, and Romaine. They deposited their plunder with an accomplice at Portland. This man still resided at Portland, and had probably met with Howard and his companions during their stay. If so, he was doubtless possessed of information which would aid in their detection.

At every place where they had stopped on the trip to Portland, the guilty men had told the same story about their collision at, and flight from, Boise Basin. Acting upon the belief that they had repeated it to their old confederate at Portland, Beachy, on the same evening of his arrival, wrapped in blanket and muffler, sallied forth to a remote quarter of the town, where he resided. No one responded to his rap upon the door. He crossed the street to a clump of bushes to watch. A half-hour passed, and a woman entered the dwelling. Recrossing, he repeated the alarm. The woman met him at the door. With much simulated nervousness, and mystery of manner and tone, he inquired for the man.

"He is very busy, and will not be home until late, if at all," replied the woman.

"I must see him immediately," urged Beachy, with increasing earnestness. "My life depends upon it. Here, madam," he continued, thrusting a hundred dollars into her hands, "secure me an interview as soon as possible. He is the only person here who can aid my escape. I dare not be seen, but will conceal myself in the clump until he comes."

Beachy says he never was satisfied whether it was gold or pure womanly sympathy for his apparent distress which obtained for him a speedy meeting. By assuming the character of a partner in the Boise enterprise who had miraculously escaped arrest, and was then in pursuit of his companions, he learned that the men he was pursuing intended to remain in San Francisco until they could have their dust, amounting to seventeen thousand dollars, coined, when they would go to New York by way of the Isthmus, and return to Virginia City in the spring. To make the delusion perfect, Beachy, at the close of the interview, gave his informant one hundred and fifty dollars, with which he purchased for him a horse, which he delivered to him at a late hour of the evening, at East Portland, on the opposite bank of the Willamette river. Bidding him good-by, Beachy mounted the horse, and was soon lost to view in the pine forest, his dupe believing that he had enabled him to escape the authorities of Boise. In two hours afterwards the horse was returned to its owner, and the purchase-money restored.

How to reach San Francisco in time to arrest the fugitives before their departure for New York, was not easy of solution. No steamer would leave Portland for ten days, and an overland journey of seven hundred miles, over the muddiest roads in the world, was the only alternative. The nearest telegraph station was at Yreka, four hundred miles distant. Wearied with the unremitting travel and excitement of the previous week, Beachy hired a buggy and left Portland at midnight, intending to overtake the coach which had left the morning before his arrival. This he accomplished at Salem, late in the afternoon of the next day. When the coach reached the mountains, its progress was too slow for his impatience, and he forsook it, and, mounting a horse placed at his disposal by an old friend, rode on, hoping to come up with the advance coach. He fell asleep while riding, and, on awakening, found himself seated upon the horse in front of its owner's stable, at a village twenty miles distant from the one he left. Here he hired a buggy and overtook the coach the next morning.

Two days afterwards he arrived at Yreka. He immediately sent a telegram to the chief of the San Francisco police, and was overjoyed upon his arrival at Shasta, twenty-four hours afterwards, to receive a reply that the men he was pursuing were in prison, awaiting his arrival. At midnight of the second day following, he was admitted to the cell where the prisoners were confined.

They had been arrested by stratagem two days before. As Howard and Lowry were escaped convicts from the California penitentiary, they naturally supposed that they had been arrested upon recognition, to be returned for their unexpired term. This they were planning to escape by bribing the officers, whom they had told of their deposit in the mint, denying at the same time that Page had any interest in it.

When therefore the chief of police entered the cell, and turned on the gas, disclosing the presence of Hill Beachy, had Magruder himself appeared, they would not have been more astonished. With dismay pictured upon his countenance, Howard was the first to break that ominous silence by a question intended either to confirm their worst fears, or re-animate their hopes of escape.

"Well, old man," said he, gazing fixedly upon Beachy, "what brought you down here?"

"You did," was the instant reply.

"What for, pray?" persisted Howard, assuming an indifferent air.

"The murder of Lloyd Magruder and Charley Allen."

The eyes of the questioner dropped. He drew a long breath. A deadly pallor stole over his face.

"That's a rich note," said Lowry, affecting to laugh. "We left Magruder at Bannack, well and hearty."

"We shall see. Good-night, boys," said Beachy, and he offered each his hand.

Page clasped his hand heartily, and, by several scratches upon the palm, signified that he had something which he wished to communicate.

Four weeks were spent in San Francisco, in the effort to obtain the custody of the prisoners. As fast as one court would decide to surrender them, another would grant a writ of *habeas corpus* for a new examination. At length the Supreme Court of the State decided in favor of their surrender to the authorities of Idaho for trial. In anticipation of a series of similar legal delays in Oregon, Beachy, before leaving, obtained from General Wright, the commander of the Department of the Pacific, an order upon the military post of the Columbia, directing an escort to meet the prisoners at the mouth of the river, and deliver them with all possible despatch to the civil authorities at Lewiston.

On the voyage from San Francisco to the mouth of the Columbia, the prisoners occupied the state-room adjoining Beachy's. An orifice was made in the base of the partition between the apartments, under the berth occupied by Howard and Lowry. After they had retired, Beachy would apply his ear to it, to glean, if possible, from their conversation, any circumstances confirming their guilt. On one occasion he heard Lowry observe that "Magruder had a good many friends," and Howard reply that "all five of them had friends enough." This satisfied him that others beside Magruder had been killed, and that he was on the right track. At the mouth of the Columbia, a small steamer with a military escort received the prisoners. They were conveyed immediately to Lewiston. A large assemblage had gathered upon the wharf, intending to conduct the prisoners from the boat to the scaffold. Protected by the military, Beachy succeeded in removing them to his hotel, amid loud cries of "Hang 'em," "String 'em up," by the pursuing crowd. He then appeared in front of the building, and in a brief address informed the infuriated people that one of the conditions on which he obtained the surrender of the men was that they should have a fair trial at law. He had pledged his honor, not only to the prisoners, but to the authorities, that they should only be hanged after conviction by a jury. This pledge he would redeem with his life if necessary. He made it, believing that his fellow-citizens of Lewiston would stand by him. "And now," said he, "as many of you as will do so, will please cross to the opposite side of the street." The movement was unanimous.

"Be gorra! Mr. Beachy," exclaimed an Irishman, after he had passed over, "you're the only mon in the whole congregation that votes against yourself."

The prisoners were heavily ironed and strongly guarded in an upper room of the hotel. No legal evidence of their guilt, no evidence that a murder had been committed, had yet been obtained. Page was reticent, though believed by all to have been the victim of circumstances. A week elapsed, and no disclosures were made upon which to base a hope of conviction. Tired of waiting, it was at length arranged with the district attorney that Page should be permitted to testify as State's evidence.

Beachy now concerted, with several others, a plan for getting at the truth. In a vacant room, accessible from the main passage of the building, he suspended from the ceiling four ropes with nooses, and under each placed an empty dry-goods box. Every preparation was seemingly made for a secret and summary execution.

In a room on the opposite side of the hall he spread a large table, with paper, pens, and ink, and obtained from the county clerk three plethoric legal documents, which were put in the hands of persons seated at the table. A clerk was also there, who had seemingly been engaged in writing out the confessions of Howard, Lowry, and Romaine, which were represented by the documents already referred to.

When these preparations were completed, two guards entered the room occupied by the four prisoners, and conducted Howard downstairs to a room in the basement. An hour or more elapsed, and the same ceremony was observed with Lowry, and after another hour with Romaine. The solemnity of this proceeding was intended to impress Page with the belief that his comrades had been severally executed by the Vigilantes. When, an hour later, the guards returned, they found him in a cold perspiration, and scarcely able to stand.

He was met by Beachy at the door.

"Page," said he, "I have done all in my power to save you, because I believed you less guilty than the others, but I find I can do no more. Whether you live or die now remains with yourself. Your old friend, Captain Ankeny, has worked hard for you."

As he said this, the party came to the door of the room where the ropes were suspended, which had been purposely opened. The hideous preparations glanced upon the terror-stricken vision of the trembling prisoner. Beachy slammed the door with a crash, exclaiming, with well-simulated anger, as he turned to the attendants, —

"I told you to keep that door closed," and resumed his conversation with Page.

"There is," said he, "a bare chance remaining for you. Your comrades are still living. They have each made a confession, and now the opportunity is afforded you. If you make a clean breast of it, and tell the truth, it is possible you may escape by turning State's evidence; but if not, there is no alternative but to hang you all. One thing let me say: if you conclude to accept this possible chance for life, tell the truth."

"I certainly will do so, Mr. Beachy," said the terrified man.

He was then seated in front of the clerk at the table. Beachy sat on one side, holding one of the documents, as if to compare his testimony with it, and Captain Ankeny and another person, each with a similar document, sat opposite. The building was of logs. A gathering outside could be heard through the chinks, discussing the propriety of admitting Page to testify.

"He is as guilty as the others, and should suffer the same fate," said one.

"It's nonsense to try them," said another. "The Vigilantes should hang them all immediately."

"It'll do no harm to hear what he has to say," said a third, "but he'll probably lie."

"Not if he regards his life. He'll be easily detected in that, and then he'll be hung without mercy," remarked another.

These surroundings, terrible to a guilty conscience, were not alleviated by the frequent interruptions of Beachy and Ankeny, who, to all outward seeming, were closely comparing the statements of Page with those of his companions. The confession thus obtained bore internal evidence of truthfulness; and, when it was finished, Page entreated Beachy not to return him to the room with the other prisoners.

"They will kill me if they suspect me of betraying them," said he, "and the fact that we have all been requested to confess will make them suspicious."

Page was heavily ironed, and confined in a separate room on the side of the hall opposite the room occupied by the other prisoners, who, in the seeming severity with which he was treated, received the impression that he was singled out as the real criminal. Acting under Beachy's instructions, Page occasionally stood in the doorway of his apartment, so that the other prisoners could see him, and they improved these opportunities by making significant signs to him to be silent. Howard would break out into a song, into which he would improvise words of caution for Page to observe. At length, at their own request, the prisoners were occasionally permitted to perambulate the hall, and at those times opportunity was given to converse with Page. They finally would enter his room, and in a conversation with him, while, as he supposed, he was enjoying one of these stolen interviews, Beachy heard Lowry tell Page that the body of Brother Jonathan — meaning Magruder — could never be found, whether the others were or not. It was a great satisfaction to Beachy to learn, from this and several other little incidents that occurred while the murderers were in custody, that he had made no mistake in arresting them.

Twenty-four hours before the trial, the prisoners, as required by the laws of Idaho, were served with a copy of the indictment found against them, with a list of witnesses, in which it appeared that the charge was substantiated by the testimony of Page. This was the first intimation they had that he was to be received as State's evidence. Lowry read enough of the indictment to learn this fact. Handing it to Beachy, he exclaimed with an oath, —

"I have read far enough. If old Page is to testify, the jig is up. I don't wish to know any more."

More than a hundred persons summoned as jurors were rejected in selecting an impartial jury. Good counsel was provided for the prisoners; and after a careful and protracted trial, in which no legal effort was spared both to convict and to defend, the prisoners were found guilty, and sentenced to be hanged on the fourth day of March, 1864, six weeks after the trial.

During this interval, they were confined in their old quarters, where they received every attention from Mr. Beachy and his wife. As the day of expiation drew nigh, both Lowry and Romaine confessed to their participation in the murder, and the truth of Page's testimony; but Howard denied it to the last.

The scaffold was erected in a basin encircled by abrupt hillsides, from which ten thousand people, including almost the entire Nez Perce tribe of Indians, witnessed the execution.

A few weeks afterwards, Beachy and a few friends, under the guidance of Page, visited the scene of the murder, and returned with the remains of the unfortunate victims, which were decently buried in the cemetery at Lewiston.

Page remained in the employ of Beachy several months — an object of general reproach and execration. A year had little more than elapsed when he became involved in a drunken brawl, and was killed by a shot from the pistol of his adversary.

Mr. Beachy, after repeated rebuffs, succeeded in getting the seventeen thousand dollars, which the murderers had deposited in the mint at San Francisco. This was given to the widow and heirs of Magruder. After a delay of some years, the Legislature of Idaho appropriated an amount sufficient to defray the expense he had incurred in the capture and prosecution of the murderers; and he subsequently removed to San Francisco, where he died in the year 1875, esteemed by all who knew him, not less for his generosity of heart, than the other manly and noble qualities of his character.

NEIL HOWIE,
Captor of Dutch John.

UNIV. OF MICH.

CHAPTER IX.

HOWIE AND FETHERSTUN.

Fluttering among the Robbers — Dutch John's Attempted Escape — Arrest by Neil Howie in Beaver Cañon — Howie and Fetherstun convey him to Bannack — Incidents by the Way, and at Bannack — Dutch John examined and adjudged Guilty — Fetherstun takes him in Custody.

Several days after the execution of "Red" and Brown, when their bodies were taken down for burial, there was found, fastened to each, a monograph which has few parallels for brevity in the annals of necrology. "Red! Road Agent and Messenger!" "Brown! Corresponding Secretary!" Laconic, but explicit, they fitly epitomized the history, both in life and death, of these ill-fated men.

The little company of Vigilantes arrived in Nevada early the morning after the execution. The Committee assembled immediately to consider what action should be pursued with reference to the disclosures made by "Red," but, as the results of their recommendations will hereafter appear, no further allusion to the subject is necessary at this time.

The fluttering among the robbers, when it became known that two men of their number had fallen, was very perceptible both at Bannack and Virginia City. Many of them fled at once; others, who would have accompanied them, had they heard of the disclosures made by "Red," believed themselves secure, until some testimony should appear against them. Not anticipating treachery from any of their comrades, they regarded such treachery as wholly unattainable.

Dutch John was not of this number. Alarm grew upon him day by day, after the execution of Ives. He knew that, with the unhealed bullet wound in his shoulder, his identity with the robbers who attacked Moody's train would be clearly established. He went to Plummer with his fears. Plummer advised him to leave the Territory. In pursuance of this advice, he shouldered his saddle and left Bannack in the direction of Horse Prairie. A person who saw him leave, suspecting that he had designs upon a fine gray horse, wrote to the owners of the animal, warning them of his approach. They lay in watch for the thief, and discovered him sitting in the underbrush. They immediately hedged him in, and captured him. After a severe lecture and taking his saddle, they gave him an old mule and blanket, and bade him depart. Accompanied by a Bannack Indian, he rode slowly down the road leading to Salt Lake.

A few days after the execution of Ives, John X. Beidler, who had officiated on that occasion, went down the Salt Lake road to meet a train which was expected from Denver. Meeting it at Snake river, he returned with it to Beaverhead valley, where he was told of the attack, by Dutch John and Marshland, on Moody's train, and furnished with a description of the robbers. His informant, believing that Moody's shot would prove fatal, told him that he would know the body of the robber by his leggings.

"I need a pair of leggings," replied X., "and, if I find the man dead, will confiscate them." Beidler turned back, and met Dutch John and the Indian in Beaver cañon, at the toll-gate. Failing to recognize him as the robber, he offered him a drink from a bottle of schnapps. John's hands were so severely frozen that he could not grasp the bottle. Beidler soaked them in water, to take the frost out. While thus employed, John asked,—

"Is it true that George Ives has been hanged?"

"Yes," replied Beidler; "he's dead and buried."

"Who did it?" inquired John.

"Oh, the Virginia and Nevada people."

"Did they find out anything?"

"They found out some things," said Beidler, "and are now after the robbers of Moody's train. One of them, Dutch John, was shot, and I expect to find him dead upon the trail. If I do, I shall confiscate his leggings, for I need a pair very much."

"Would you take his leggings if you found him?" inquired Dutch John.

"Of course I would, if he was dead," said Beidler.

They continued to chat till late in the evening, passing the night together, Beidler never suspecting him to be the robber he was in pursuit of. The next morning Beidler dressed John's frozen hands, and they separated.

The next day, while making his way through Beaver cañon, John was seen and recognized by Captain Wall and Ben Peabody, who were encamped there by stress of weather, with a pack train, *en route* to Salt Lake. They saw him and the Indian take shelter in a vacant cabin at no great distance beyond their camp, and went immediately with the information to John Fetherstun, who was also near at hand, awaiting an abatement of the temperature, with eight teams and drivers. Fetherstun recommended that John should be hanged to one of the logs projecting from the end of the cabin. Wall and Peabody wanted him to be returned to Bannack. Being unable to agree, Wall and Peabody proceeded down the road to the camp of Neil Howie, who was on his return from Salt Lake, in charge of three wagons laden with groceries and flour. If they had searched the world over, they could have found no fitter man for their purpose. Brave as a lion, and as efficient as brave, Neil Howie inherited from nature a royal hatred of crime and criminals in every form. He laid his plans at once for the capture and return of John to Bannack. The men belonging to his train promised him ready assistance. In a short time John and the Indian appeared in the distance, and the courage of Neil's friends, which began at that moment to weaken, "grew small by degrees, and beautifully less," as the stalwart desperado approached, until, to use an expression much in vogue in those days, they concluded that as they "had lost no murderers," the reasons given for the arrest of this one were not sufficiently urgent to command their assistance in such a formidable undertaking. In plain words, they backed out of their promise. Neil, whose contempt for a coward was only equalled by his abhorrence of a murderer, still determined upon the capture. It would be a libel upon the honest Scotch inflexibility which had come down to him through his Covenanting progenitors to recede from a resolution which his conscience so fully approved. Dutch John rode up and asked for some tobacco.

"We have none to spare," said the train master. "Go to the big train below. They will supply you."

He cast a suspicious, uneasy glance at the men, and, with the Indian by his side, rode on. Neil looked after him until nearly lost to sight, then mounted his pony and rode rapidly in pursuit, with the hope of obtaining aid from the big train, which belonged to James Vivion. He soon overtook the fugitive, whom he found with rifle in hand, ready to defend his liberty. The Indian, too, apprised of Neil's approach, passed his hands over his quiver, seemingly to select an arrow for instant use. Carelessly remarking, as he passed, that he had to borrow a shoeing hammer to prepare the stock for crossing the divide, Neil rode on under the muzzle of John's rifle, without drawing his reins until he arrived at the train. The remark disarmed John's suspicions, or he would doubtless have fired upon him.

Neil related the particulars of John's career. "It is a burning shame — a reproach to the Territory, and will be an eternal reproach to us if we permit so great a villain to escape. Just reflect, — he is a horse-thief and a murderer, stained with blood, and covered with crimes. Let us arrest him at once."

All to no purpose. The men, one and all, declined having anything to do with it. Meantime John came up and asked for some tobacco.

"Have you any money?" inquired one of the men.

"Not a cent," was the reply.

"Then," said his interrogator, "we have no tobacco for you."

"Oh! let him have what he wants," interposed Neil. "I will pay for it."

John's face wore a grateful expression. He thanked Neil, and with the Indian took his departure. Neil made another hurried appeal, not to let the murderer and road agent escape, but the men refused to help.

"Then," said he, "I will arrest him alone," and he strode rapidly after John, shouting, —

"Hallo, captain! hold on a minute."

John wheeled his mule half round, and sat awaiting the approach of Neil. To the stature and strength of a giant, John added a nature hardened by crime, and the ferocious courage of a tiger. His face, browned by exposure, reflected the dark passions of his heart, and was lighted up by a pair of eyes full of malignity. Nature had covered him with signs and marks indicative of his character. Neil, on the other hand, was rather under the medium size, with nothing in his general make-up that denoted uncommon strength or activity, though, when aroused, no mountain cat was more active in his movements, and strength seemed always to come to him equal to any emergency. His clear gray eye, calm and gentle in repose, became very powerful and commanding under excitement.

With his gaze fixed steadily upon the ruffian, he marched rapidly towards him. John slewed his rifle around, grasping the barrel with his left, and the small of the stock with his right hand, as if preparing for a deadly aim. Neil's hand fell with an admonitory ring upon the trusty revolver in his belt, which had never failed him. For an instant only, it seemed that either the rifle or pistol would decide the adventure; but the ruffian quailed before the determined gaze of Howie, who passed unharmed beyond the muzzle of his rifle, and stood with his hand upon the flank of the mule. Looking John steadily in the eye, in a quiet but authoritative tone, Neil said to him, —

"Give me your gun and get off your mule."

With blanched face and trembling hands, John complied, at the same time expressing his willingness to submit to the capture.

"You have nothing to fear from me," said he as he alighted, and handed the reins to Howie. It is said that occasions will always find men suited to meet them. This occasion found, among a crowd of twenty or more experienced mountaineers, only Neil Howie as the man endowed with moral and physical courage to grapple with it.

The prisoner accompanied his captor to the camp-fire. The weather was intensely cold. Many of the oxen belonging to the trains had died from exposure, and others were so severely frozen that they lost their hoofs and tails the succeeding spring. As soon as Howie and his prisoner were thoroughly warmed, Neil said to him, —

"John, I have arrested you for the part you took in the robbery of Moody's train last month. Every man in that company charges you with it."

"It's a lie," said John. "I had no hand in it at all."

"That question can be easily decided," replied Neil, "for the man they supposed to be you was wounded by a shot in the shoulder. If you are not the person, there will be no bullet mark there. I don't wish to make a mistake, and your denial of the charge makes it necessary that I should examine. Just remove your shirt."

John reluctantly complied, all the while protesting his innocence. When, however, the shoulder was bared, the scarcely healed perforation settled all doubts in Howie's mind concerning the personal identity of his prisoner.

"How is it," said he, "if you are not the man, that you have this scar?"

"I got it accidentally while asleep by my camp-fire. It was cold, and I laid near the fire. My clothes caught fire, and the cap ignited, discharging my pistol, which was strapped to my side."

"Let me prove to you that this story cannot be true," said Neil.

Placing a cap upon a stick, he held it in the hottest blaze of the camp-fire. Minutes elapsed before it exploded.

"Do you not see," he continued, "that long before the cap on your pistol would have exploded, you would have been burned to death? But there is still another reason. If it had exploded, as you say, the ball could never have wounded your shoulder. You must go with me to Bannack. If you can prove your innocence there, as I hope you may, it will all be well with you."

Leaving his prisoner in charge of the train company, Neil started in pursuit of a person to aid in conveying him to Bannack. Unsuccessful in this, he left with John in company, and proceeded to Dry creek, where was a camp of fifty or sixty teamsters. Such was their fear of the roughs, that they one and all refused to assist him. While deliberating what next to do, a man by the name of Irvine suggested to him that if Fetherstun could be induced to aid, he would be a suitable man for the purpose. Neil went immediately to Fetherstun's camp, fully determined, if again rebuffed, to attempt the journey with his prisoner alone. Fetherstun volunteered without hesitation, and, taking the prisoner in charge, confined him in the cabin he had left but the day before, through the succeeding two days, under guard, awaiting an abatement in the weather.

On the third day Howie and Fetherstun started with John for Bannack, the weather still so severe that they were obliged every few miles to stop and build fires to escape freezing. On one of these occasions, while Fetherstun was holding the horses and Howie building a fire, their guns having been deposited some forty feet away, the prisoner, under pretence of gathering some dry wood which was in a direct line beyond the guns, walked rapidly towards them, intending evidently to possess himself of the weapons, and fight his way to an escape. His design, however, was frustrated by his captors, who fortunately secured the guns before he could reach them.

During the night when they were encamped at Red Rock, misled by the apparent slumber of his captors, John rose up, but, upon gazing around, met the fixed eye of Howie, and immediately resumed his recumbency. As the night wore on, the two men, worn with fatigue, again sunk into repose. Assured by their heavy breathing, John again rose up, but scarcely had he done so when Neil, rising too, said quietly, —

"John, if you do that again, I'll kill you."

The ruffian sunk upon his blankets in despair. He felt that he was in the keeping of one who never slept on duty. Still the hope of escape was uppermost. Seeing a camp by the roadside, he naturally concluded that it belonged to a company of his comrades, and commenced shouting and singing to attract their attention. As no response followed and no rescuers appeared, he soon became silent and despondent.

This trip of three days' duration, with the thermometer thirty-five degrees below zero, and no other food than the shank of a small ham, uniting with it the risk of assassination and of personal contest with robbers, exposure to an arctic atmosphere, and starvation, while it bore ample testimony to the moral intrepidity and physical endurance of Howie and Fetherstun, and marked them for a pursuit which they ever after followed, was also rife with associations which bound these brave spirits in a friendship that only death could sever. It is no injustice to any of the early citizens of Montana to say that, not less for its present exemption from crime and misrule than for the active and vigilant measures which, in its early history, visited the ruffians with punishment, and frightened villany from its boundaries, is the Territory indebted to the efficient co-operative labors of these self-sacrificing, heroic men. They were pioneers who deserve to rank in future history with such men as Boone and Kenton; and long after the names of many now oftener mentioned in connection with circumstances of trifling import are forgotten, theirs will be remembered and honored. Noble Howie! how short a time it seems since he was cut down in the very prime of his manhood, upon the distant shores of Guinea. Many, many years must pass before the memory of his heroic actions, his genial nature, his warm, impulsive friendship, will be forgotten by those who knew and loved him in his mountain home.

To return to the narrative. When the captors had arrived at Horse prairie, twelve miles from Bannack, Fetherstun encamped with the prisoner, while Howie rode on to the town to reconnoitre. Fears were entertained that the roughs would attempt a rescue. It was understood that if Howie did not return in three hours, Fetherstun should take the prisoner into town. Accordingly, he proceeded with him without molestation to Sears's Hotel. Soon afterwards Howie, meeting Plummer, said to him, —

"I have captured Dutch John, and he is now in my custody at Sears's Hotel."

"You have?" replied Plummer with a leer. "What is the charge against him?"

"Attacking Moody's train."

"Well, I suppose you are willing he should be tried by the civil authorities. This new way our people have of hanging men without law or evidence isn't exactly the thing. It's time a stop was put to it. I'll take John into my custody as sheriff, and relieve you from all further responsibility."

"Not exactly, Plummer," replied Howie. "I shall keep John until the people's tribunal decides whether they want him or not. I've had a good deal of trouble in bringing him here, and don't intend he shall escape, if I can help it."

After a few more words they separated. Meantime Fetherstun had left Sears's Hotel with his prisoner, and gone down the street to Durand's saloon. Fetherstun, being an entire stranger, kept close watch of his prisoner. They sat down at a table and engaged in a game at cards. Howie came in, and warned Fetherstun to be on the alert for a rescue, promising to return in a few minutes. Buck Stinson and Ned Ray soon after made their appearance, and shook hands with John. They were followed by four or five others, and the number finally increased to fifteen. Fetherstun's suspicions, excited from the first, were confirmed on seeing one of the men step up to John, and say in an authoritative voice, —

"You are my prisoner;" which remark was followed by a glance and a smile by the ruffian, as much as to say, "I'm safe now, and your time has come."

Fetherstun, anticipating an attack by the crew, stepped into a corner, and drew his revolver. Those of my readers who have since had frequent opportunity to estimate the cool, determined courage of the man, will know that this preliminary movement was only preparatory to the desperate heroism and energy with which, had occasion required it, he would then have sold his life to a crowd of supposed desperadoes. They took the prisoner away without resistance, and Fetherstun returned to his hotel. Four or five men were there, of whom, on inquiry, he learned that Howie had not been there. As soon as he heard this, he said to them, —

"Gentlemen, I don't know whom I am addressing, but if you're the right kind of men, I want you to follow me. I am afraid the road agents have killed Neil Howie. He left me half an hour ago, to be back in five minutes."

He seized his gun, and was about to leave when a man opened the door, and told him not to be uneasy. This seemed to satisfy all the company except Fetherstun. He left the hotel, gun in hand, and at no great distance came to a cabin filled with men, with Dutch John as the central

JOHN FETHEPSTUN,
Overland Express Messenger.

figure. Being denied admission, he demanded his prisoner. He was told that they were examining him. The men whom Fetherstun had mistaken as road agents had mistaken him for the same. Explanations soon set both right, and John was restored to the custody of Howie and Fetherstun, who marched him back to the hotel, where he was again examined.

After many denials and prevarications, he finally made a full confession of guilt, and corroborated the statements which "Red" had made, implicating the persons whose names are contained in the list he had furnished. This concluded the labors of that day, and at a late hour Howie and Fetherstun, unable to obtain lodgings for their prisoner in any of the inhabited dwellings of Bannack, took him to an empty cabin on Yankee Flat.

CHAPTER X.

EXECUTION OF PLUMMER.

Re-action in Public Sentiment — Miners all become Vigilantes — Alarm of Plummer — Messengers to Bannack — Arrest and Execution of Plummer, Ray, and Stinson — Interview with Plummer's Brother — Plummer's Craftiness.

Retribution followed rapidly upon the heels of disclosure. The organization of the Vigilantes of Nevada and Virginia City was effected as quietly as possible, but it embraced nearly every good citizen in Alder gulch. Men who before the execution of Ives were seemingly indifferent to the bloody acts of the desperadoes, and even questioned the expediency of that procedure, were now eager for the speedy destruction of the entire band. Every man whose name appeared on the list furnished by Yager (Red) was marked for early examination, and, if found guilty, for condign punishment. The miners forsook their work in the gulch to engage in the pursuit and capture of the ruffians, regardless alike of their personal interests, the freezing weather of a severe winter, and the utter desolation of a country but partially explored, immense in extent, destitute of roads, and unfurnished even by nature with any protection against exposure.

The crisis demanded speedy action. The delay of a day or even an hour might enable the leading ruffians to escape, and thus defeat the force of a great and efficient example. The ruffians themselves had taken the alarm. Many of them were on their return to Walla Walla, and others were making preparations for leaving. It was of special importance to the object in hand, that Plummer, the chief of the robber band, should be the first to suffer. That individual, oblivious of the disclosures that had been made by Yager, was at Bannack, quietly preparing for an early departure from the Territory. Calm and placid in outward seeming, his conduct bore evidence that he was all terror within. He was too familiar with the extreme phases of character not to suspect that he had possibly been betrayed by some of the number that had been captured, though much too polite and sagacious to manifest by his deportment the presence of any such suspicion. But he was constantly on the alert. Not a beat in the pulse of the community escaped his notice.

Not a strange face that he did not closely scan, nor a gathering occur whose details escaped him. The language of looks and signs and movements was as familiar to him as that of words, and in it he read plainly and unmistakably that his reign of deception was at an end. The people had found him out, and he knew it. His only mistake was that he delayed action until it was too late.

At a late hour of the same night that Dutch John was examined, four Vigilantes arrived at Bannack from Virginia City, with intelligence of the organization at that place, asking the co-operation of the citizens of Bannack, and ordering the immediate execution of Plummer, Stinson, and Ray. A hurried meeting was held, and the Sabbath daylight dawned upon a branch organization at Bannack. The day wore on unmarked by any noticeable event until late in the afternoon. Three horses were then brought into town, which were recognized as belonging to the three murderers.

"Aha!" said one citizen to another, "those rascals scent the game and are preparing to leave. If they do, that will be the last of them."

"We can block that game," was the rejoinder.

Several members of the Vigilance Committee met on the spur of the moment and adopted measures for the immediate arrest and execution of the three robbers. Stinson and Ray were arrested without opposition, — one at Mr. Toland's cabin, and the other, stretched at the time upon a gaming table, in a saloon. The party detailed to arrest Plummer found him at his cabin, in the act of washing his face. When informed that he was wanted he manifested great unconcern, and proceeded quietly to wipe his face and hands.

"I'll be with you in a moment, ready to go wherever you wish," he said to the leader of the Vigilantes. Tossing down the towel and smoothing his shirt-sleeves, he advanced towards a chair on which his coat was lying, carelessly remarking: "I'll be ready as soon as I can put on my coat."

One of the party, discovering the muzzle of his pistol protruding beneath the coat, stepped quickly forward, saying as he did so, —

"I'll hand your coat to you." At the same moment he secured the pistol, which being observed by Plummer, he turned deathly pale, but still maintained sufficient composure to converse in his usual calm, measured tone. The fortunate discovery of the pistol defeated the desperate measures which a desperate man would have employed to save his life. With his expertness in the use of that weapon, he would doubtless have slain some or all of his captors. He was marched to a point where, as designated before the capture, he joined Stinson and Ray, and thence the three were conducted under a formidable escort to the gallows. This structure, roughly framed of the trunks of three small pines, stood in a dismal spot three hundred yards from the centre of the town. It was erected the previous season by Plummer, who as sheriff had hanged thereon one John Horan, who had been convicted of the murder of Keeley. Terrible must have been its appearance as it loomed up in the bright starlight, the only object visible to the gaze of the guilty men, on that long waste of ghastly snow. A negro boy came up to the gallows with ropes before the arrival of the cavalcade. All the way, Ray and Stinson filled the air with curses. Plummer, on the contrary, first begged for his life, and, finding that unavailing, resorted to argument, and sought to persuade his captors of his innocence.

"It is useless," said one of the Vigilantes, "for you to beg for your life; that affair is settled, and cannot be altered. You are to be hanged. You cannot feel harder about it than I do; but I cannot help it if I would."

"Do not answer me so," persisted the now humbled and abject suppliant, "but do with me anything else you please. Cut off my ears, and cut out my tongue, and strip me naked this freezing night, and let me go. I beg you to spare my life. I want to live for my wife, — my poor absent wife. I wish to see my sister-in-law. I want time to settle my business affairs. Oh, God!" Falling upon his knees, the tears streaming from his eyes, and with his utterance choked with sobs, he continued, —

"I am too wicked to die. I cannot go bloodstained and unforgiven into the presence of the Eternal. Only spare me, and I will leave the country forever."

To all these, and many more petitions in the same vein, the only answer was an assurance that his pleadings were all in vain, and that he must die. Meantime, Stinson and Ray discharged volley after volley of oaths and epithets at the Vigilantes, employing all the offensive language of their copious vocabulary. At length the ropes were declared to be in readiness, and the stern command was given,—

"Bring up Ned Ray." Struggling wildly in the hands of his executioners, the wretched man was strung up, the rope itself arresting his curse before it was half uttered. Being loosely pinioned, he thrust his fingers under the noose, and, by a sudden twist of his head, the knot slipped under his chin.

"There goes poor Ned Ray," whined Stinson, who a moment later was dangling in the death-agony by his side. As Stinson was being hoisted, he exclaimed, "I'll confess." Plummer immediately remarked, "We've done enough already, twice over, to send us to hell."

Plummer's time had come. "Bring him up," was the stern order. No one stirred. Stinson and Ray were common villains; but Plummer, steeped as he was in infamy, was a man of intellect, polished, genial, affable. There was something terrible in the idea of hanging such a man. Plummer himself had ceased all importunity. The crisis of self-abasement had passed, hope fled with it, and he was now composedly awaiting his fate. As one of the Vigilantes approached him, he met him with the request, —

"Give a man time to pray."

"Certainly," replied the Vigilante, "but say your prayers up there," at the same time pointing to the cross-beam of the gallows-frame.

The guilty man uttered no more prayers. Standing erect under the gallows, he took off his necktie, and, throwing it over his shoulder to a young man who had boarded with him, he said, —

"Keep that to remember me by," and, turning to the Vigilantes, he said, "Now, men, as a last favor, let me beg that you will give me a good drop."

The fatal noose being adjusted, several of the strongest of the Vigilantes lifted the frame of the unhappy criminal as high as they could reach, when, letting it suddenly fall, he died quickly, without a struggle.

The weather was intensely cold. A large number of persons had followed the cavalcade, but were stopped by a guard some distance from the gallows. The Vigilantes surrounded the bodies until satisfied that the hangman's noose had completed their work, when they formed and marched back to the town. The bodies were afterwards buried by the friends of the criminals.

Buck Stinson was born near Greencastle, Indiana. His parents removed to Andrew county, Missouri, when he was about fourteen years of age. He was a bright and very studious boy, was devoted to his books, which he read almost constantly, and gave promise of genius; and many who knew him predicted for him a brilliant and honorable future. His family was highly respectable.

Henry Plummer was born in the State of Connecticut, and was in the twenty-seventh year of his age at the time of his death. His wife, who had gone to her former home in the States three months previous to his execution, was entirely ignorant of the guilty life he was leading, and for some time after his death believed that he had fallen a victim to a conspiracy. She was, however, fully undeceived, and the little retrospect which her married life with him afforded, convinced her of his infamy.

Many of the citizens of Montana doubted whether the name by which he was known was his true one; but its genuineness has been established in many ways, and, among others, by the following incident, which I here relate as well to illustrate the subtlety of Plummer, as to show the standing and character of his family relations.

In the summer of 1869, soon after the completion of the first transcontinental railway, being in New York City, I was requested by Edwin R. Purple, who resided in Bannack in 1862, to call with him upon a sister and brother of Plummer. He learned from them that they had been misled concerning the cause of their brother's execution by letters which he wrote to them in 1863, in which he told them that he was in constant danger of being hanged because of his attachment to the Union.

They honestly believed that his loyalty and patriotism had cost him his life, and they mourned his loss not only as a brother, but as a martyr in the cause of his country. From the moment that they heard of his death, they had determined, if ever opportunity offered, to pursue and punish his murderers, and, with that purpose in view, were about to leave by railroad for Ogden, Utah, and complete the remaining five hundred miles of the trip to Montana by stage coach. The next day, accompanied by Mr. Purple, I had an interview with them, and found them to be well-educated, cultivated people. They were very eager in their desire to find and punish the murderers of their brother, and repeatedly avowed their intention to leave, almost immediately, in pursuit of them. Both Mr. Purple and I used all the plausible arguments we could summon to dissuade them from the undertaking, without revealing any of the causes which led to Plummer's death. All to no purpose. Finding them resolved, we concluded that, rather than allow them to suffer from the deception they labored under, we would put in their hands Dimsdale's "Vigilantes," with the assurance that all it contained relative to their brother was true. We urged them to satisfy themselves, from a perusal of it, of the utter fruitlessness of their contemplated journey. The following day we called upon the brother, who, with a voice broken by sobs and sighs, informed us that his sister was so prostrated with grief at the revelation of her brother's career that she could not see us. He thanked us for making known to them the terrible history, which otherwise they would have learned under circumstances doubly afflicting, after a long and tedious journey.

CHAPTER XI.

DEATH OF PIZANTHIA.

Attack upon the Cabin of Jo Pizanthia, a Mexican Freebooter — He shoots George Copley and Smith Ball — Copley dies of the Wound — Outraged Citizens shell the Cabin — Pizanthia's Capture effected with much Difficulty — His Body is riddled with Bullets, while he is being hanged — The Cabin fired, and the Body burned to Ashes.

The next movements of the Vigilantes were followed up with remarkable expedition. The work they had laid out contemplated the execution of every member of Plummer's band who, upon fair trial, should be proved guilty of robbery or murder. They intended also to punish such incidental rascals as were known to be guilty of crime, and to act as a protective police, until such time as a competent judiciary should be established in the Territory. There were many suspicious characters prowling around the gulches, who, though unaffiliated with the robber gang, were engaged in the constant commission of crimes.

Flumes were robbed, burglaries committed, and broils were of frequent occurrence. The country was full of horse and cattle thieves. By prompt and severe punishment in all cases of detection, and by the speedy arrest and examination of all suspected persons, the Committee intended to strike with terror the entire lawless population, which had so long and unceasingly violated the laws and privileges of civilized life with impunity.

The execution of Plummer, Stinson, and Ray met with general approbation. Every good man in the community was anxious to become enrolled on the list of the Vigilantes. The dark shadow of crime, which had hung like an angry cloud over the Territory, had faded before the omnipresence of Vigilante justice. The very feeling of safety inspired by the change was the strongest security for the growth and efficiency of the organization.

The morning succeeding the execution, the Committee met to devise further measures for the arrest of the criminals still at large. None of the reputed members of Plummer's band were then in Bannack. There was, however, a Mexican known by the name of Jo Pizanthia, living in a little cabin built against the side of one of the hills overlooking the town. Being the only

Mexican in the place, he went by the designation of "The Greaser." He brought with him to the Territory the reputation of a desperado, robber, and murderer. With a view of investigating his career in the Territory, the Committee ordered his immediate arrest, and sent a party to the cabin to effect it. The little building was closed, and there was nothing in the appearance of the newly fallen snow to indicate that it had been occupied since the previous day. George Copley and Smith Ball, two esteemed citizens, led the public force, and, advancing in front of it to the door of the cabin, called upon the Mexican by name to come forth. No answer being made, they concluded, against the advice of their comrades, to enter the cabin. Cautiously lifting the latch, the two men stepped over the threshold, each receiving, as he did so, the fire of the desperate inmate. Copley was shot in the breast, and Ball in the hip. Both staggered out, exclaiming in the same breath, "I'm shot." Two of the company supported Copley to the hotel, but the poor fellow died of the wound in a few moments. Ball recovered sufficiently to remain upon the ground.

When it was known that Copley was killed, the exasperation of the party at the dastardly deed knew no bounds. They instantly decided to inflict summary vengeance upon the murderer. Protected by the logs of the cabin, of which the door was the only entrance, the crowd appreciated the Mexican's facilities for making an obstinate and bloody defence. How to secure him without injury to themselves, called for the exercise of strategy rather than courage. Fortunately, a dismounted mountain howitzer which had been left by a wagon train lay near by; and bringing this to a point within a few rods of the side of the cabin, they placed it upon a box, and loaded it with shell. At the first discharge, the fuse being uncut, the missile tore through the logs without explosion. The second was equally unsuccessful, on account of the shortness of range. Aim was now directed at the chimney, upon the supposition that the man might have sought refuge within it, and a solid shot sent through it — the men meantime firing into the hole made by the shell in the side of the cabin. No shot was fired in return.

A storming party was now formed, the men of Nevada being the first to join it. Half a dozen in number, the men moved steadily onward under cover of neighboring cabins, until they reached the space between them and the beleaguered citadel. Rushing impetuously across, they stood in front of the entrance, the door having fallen inwards from the fusillade. Looking cautiously into the cabin, they discovered the boots of the Mexican, protruding beneath the door, which had fallen upon him. Lifting the door, they dragged him forth. He was badly injured, but, on the moment of his appearance, Smith Ball emptied his revolver into his body. A clothes-line near was taken down, and fastened round his neck, and an ambitious citizen climbed a pole, and, while those below held up the body of the expiring Mexican, he fastened the rope to the top of the pole. Into the body thus suspended, the crowd discharged more than a hundred shots, — satiating their thirst for revenge upon a ghastly corpse.

While this scene was progressing, several other persons were engaged in tearing down the cabin. Throwing it into a pile, it was set on fire, and, when fairly in a blaze, the riddled body of Pizanthia was taken down, and placed upon the pyre. Its destruction by the devouring element was complete; not a vestige of the poor wretch remained; though the next morning a number of notorious women were early at the spot, engaged in panning out the ashes of the ill-fated desperado, in search of gold.

This entire transaction was an act of popular vengeance. The people were infuriated at the murder of Copley, who, besides being one of their best citizens, was a general favorite. There seemed to be no occasion or excuse for it, as the Vigilantes contemplated nothing more by the arrest of Pizanthia, than an examination of his territorial record. With the crimes he had committed before he came to the Territory, they had nothing to do; and if he had been guilty of none after he came there, the heaviest possible punishment they would have inflicted was banishment. He brought his fate upon himself. It was a brief interlude in Vigilante history, the terrible features of which, though they may be deemed without apology or excuse, need not seek for multiplied precedents outside of the most enlightened nations or most refined societies in all Christendom.

CHAPTER XII.

EXECUTION OF DUTCH JOHN.

Dutch John was still a prisoner in charge of Fetherstun, in the gloomy cabin on Yankee Flat, a euphonious title given to a little suburb of a dozen cabins of the town of Bannack. He had behaved with great propriety, and by his amiability of deportment won the sympathy and respect of his captors. The revelations which he made in his confession, implicating others, made him fearful of his former companions in crime, who, he knew, would kill him on the first opportunity. One night during his imprisonment both he and Fetherstun were alarmed by the sound of approaching footsteps and suppressed voices in earnest conversation. Fetherstun prepared his arms for a defence. Casting a glance at his prisoner, what was his astonishment to see him standing near the door, with a loaded double-barrelled gun, awaiting the approach of the outsiders.

"That's right, John," said Fetherstun approvingly; "fire upon them if they come. Don't spare a man."

John smiled and nodded, levelling the muzzle of the gun towards the sound, but the ruffians heard the click of the locks, and departed. John could have shot his keeper and escaped, but he feared the vengeance of his comrades more than the stern justice of the Vigilantes.

The fate of this desperado was yet undecided by the Committee. He was not without strong hope of escape, and his good conduct was doubtless attributable to the belief that both Howie and Fetherstun would interpose to save him. The evening of the day after the death of Pizanthia, the Committee met. The case of Dutch John came up for discussion. If it had been consistent with the laws prescribed for the government of the Committee, John would have been banished; but his guilty, blood-stained record demanded that he should die. He had been a murderer and highwayman for years, and the vote for his immediate execution was unanimous. The decision was reduced to writing, and a member of the Committee deputed to read it to the prisoner, and inform him that he would be executed in one hour. The wretched man was overcome. He rose from his blankets, and paced several times excitedly across the floor. Like Plummer, he then resorted to supplication.

"Do with me as you please. Disable me in any way, cut off my hands and feet, but let me live. You can certainly destroy my power for harm without taking my life."

"Your request cannot be complied with," said the messenger. "You must prepare to die."

"So be it, then," he replied, and immediately all signs of weakness disappeared. "I wish," he continued, "to write to my mother. Is there a German here who can write my native language?"

Such a person was sent for. Under John's dictation, he wrote a letter to his mother. It was read to him, and he was so dissatisfied with it that he removed the rags from his frozen hands and fingers, and wrote himself.

He told his mother that he had been condemned to death, and would be executed in a few minutes. In explanation of his offence, he wrote that while coming from the Pacific side, to deal in horses, he had fallen into the company of bad men. They had beguiled him into the adoption of a career of infamy. He was to die for aiding in the robbery of a wagon, while engaged in which he had been wounded, and his companion was slain. His sentence, though severe, he acknowledged to be just.

Handing the letter to the Vigilantes, he quietly replaced the bandages upon his unhealed fingers.

His manner, though grave and solemn, was composed and dignified. Something in his conduct showed that he truly loved his mother. Much sympathy for him was evinced in the manner and attention of those who conducted him to the place of execution, in an unfinished building at no great distance from his place of confinement. The first objects which met his gaze, as he stood beneath the fatal beam, were the bodies of Plummer and Stinson, the one laid out upon the floor for burial, the other upon a work-bench. He gazed upon their ghastly features unshrinkingly, and in clear tones asked leave to pray, which was readily granted. Kneeling down, amid the profound silence of a crowd of spectators, his lips moved rapidly, and his face wore a pleading expression, but his utterance was inaudible. Rising to his feet, while seemingly still engaged in prayer, he cast an expressive glance at the audience, and then surveyed the provisions made for his execution. A rope with the fatal noose dangled from the cross-beam, and beneath it stood a barrel, around which was a cord, whose ends, stretching across the floor, left no doubt as to the office it was extemporized to perform.

"How long," he inquired, "will it take me to die? I have never seen a man hanged."

"It will be very short, John, — very short. You will not suffer much pain," was the reply of a Vigilante.

The poor wretch mounted the barrel, and stood perfectly unmoved while the rope was adjusted to his neck. The men laid hold of the rope which encircled the barrel. Everything being prepared, at the words, "All ready," the barrel was jerked from beneath him, and the stalwart form of the robber, after several powerful struggles, hung calm and still. Dutch John had followed his leader to the other shore.

CHAPTER XIII.

VIRGINIA CITY EXECUTIONS.

VIRGINIA CITY SURROUNDED BY VIGILANTES FROM ALL PARTS OF THE GULCH—FRANK PARISH, BOONE HELM, "CLUBFOOT GEORGE," JACK GALLAGHER, AND HAYES LYONS ARRESTED, TRIED, AND EXECUTED—BILL HUNTER ESCAPES THROUGH THE LINE OF GUARDS.

WHILE the events I have just recorded were in progress at Bannack, the Vigilantes of Virginia City were not inactive. Alder Gulch had been the stronghold of the roughs ever since its discovery. Nearly all their predatory expeditions had been fitted out there. Being much the largest, richest, and most populous mining camp in the Territory, the opportunities it afforded for robbery were more frequent and promising, and less liable to discovery, than either Bannack or Deer Lodge. It was also filled with saloons, hurdy-gurdies, bagnios, and gambling-rooms, all of which were necessities in the lives of these free rangers of the mountains. At the time of which I write there was a population of at least twelve thousand, scattered through the various settlements from Junction to Summit, a distance of twelve miles. It was essentially a cosmopolitan community,—American in preponderance, but liberally sprinkled with people from all the nations of Europe. Some were going, and others coming, every day. Gold dust was abundant, and freedom from social and moral restraint characterized all classes, to an extent bordering upon criminal license.

The Vigilantes, more than ever, after it was decided to execute Plummer, comprehended the necessity for prompt and vigorous measures, as that event of itself would be the signal for all the guilty followers of that chief to fly the Territory. Accordingly, having ascertained that six of the robber band were still remaining in Virginia City, the Executive Committee decided upon effectual means for their immediate arrest. On the thirteenth day of January, three days after Plummer was executed, an order was quietly made for the Vigilantes to assemble at night in sufficient force to surround the city. Not a man was to be permitted to leave the city after the line of guards was established. Bill Hunter, one of the six marked for capture, suspecting the plot, effected his escape by crawling beyond the pickets in a drain ditch. The city was encircled, after nightfall, by more than five hundred armed men, so quietly that none within, except the Vigilantes, knew of it until the next morning. All that long winter night, while that cordon of iron men was quietly stretching along the heights overlooking the city, the Executive Committee sat in council, deliberating upon the evidences of guilt against the men enmeshed in their toils.

At the same time another small band was assembled around a faro table in the chamber of a gambling-saloon. Jack Gallagher suddenly broke the silence of the game with the remark, —

"While we are here betting, those Vigilantes are passing sentence of death upon us."

Wonderful prescience! he little knew or realized the truth which this observation had for him and his comrades in iniquity.

Morning broke, cold and cloudy, discovering to the eyes of the citizens the pickets of the Vigilantes. The city was like an intrenched camp. Hundreds of men, with guns at the shoulder, were marching through the snow on all the surrounding hillsides, with military regularity and precision. The preparation could not have been more perfect if made to oppose an invading army. There was no misunderstanding this array. People talked with bated breath to each other of the certain doom which awaited the villains who had so long preyed upon their substance, and spread terror through the country.

Messengers were sent to the different towns in the gulch to summon the Vigilantes to appear forthwith, and take part in the trial of the ruffians. At the same time parties were detailed to arrest and bring the criminals before the Committee. Boone Helm, Jack Gallagher, Frank Parish, Hayes Lyons, George Lane, and Bill Hunter were known to be in the city at the time the picket guard was stationed. Of these, Hunter had escaped. The Vigilantes from Nevada, Junction, Summit, Pine Grove, and Highland marched into town in detachments, and formed in a body on Main Street. The town was full of people.

Frank Parish, the first prisoner brought in, was quietly arrested in a store. He exhibited little fear. Taking an executive officer aside, —

"What," he inquired, "am I arrested for?"

"For being a road-agent, thief, and an accessory to numerous robberies and murders on the highway."

"I am innocent of all, — as innocent as you are."

When, however, he was put upon his examination before the Committee, and facts were brought home to him, he receded from his position of innocence, and confessed to more and greater offences than were charged against him.

"I was," said he, "one of the party that robbed the coach between Virginia City and Bannack."

This confession took the Committee by surprise. He then admitted that he had been guilty of horse-stealing for the robbers, and had butchered stolen cattle to supply them with food. He was fully cognizant of all their criminal enterprises, and shared with them as a member of the band. Upon this confession he was condemned to suffer death. He gave directions concerning his clothing and the settlement of his debts. His case being disposed of, he was committed to the custody of a strong guard.

George Lane (Clubfoot George), who has figured conspicuously in this history, was next introduced into the presence of the Committee. He was arrested without trouble, at Dance and Stuart's store. Perfectly calm and collected, he inquired, —

"Why am I arrested?"

On receiving the same answer that had been given to Parish, he replied, —

"If you hang me, you will hang an innocent man."

"We have positive proof of your guilt," was the response of the examining officer. "There is no possibility of a mistake."

"What will you do with me?"

"Your sentence is death," was the answer.

His eyes dropped, and his countenance wore an expression of deep contrition. For some moments he covered his face with his hands, seemingly overcome by the dreadful announcement. At length, dropping his hands, and looking into the face of the officer, he inquired, —

"Can I have a minister, to pray for and talk with me?"

"One shall be immediately sent for."

And when the clergyman appeared, Lane, in care of the guard, spent his remaining hours of life in attending to the affairs of his soul.

While his examination was progressing, parties came in with Boone Helm and Jack Gallagher. The former had been arrested by strategy, while standing in front of the Virginia Hotel. With an armed man on either side, and one behind with a pistol presented to his head, this veteran scoundrel, bloodier far than any of his comrades, was marched into the presence of his judges.

"Ah!" he exclaimed, "if I'd only had a show, if I'd known what you were after, you would have had a gay old time in taking me."

His right hand was wounded, and supported by a sling. With much apparent serenity, he sat down on a bench, and looked defiantly into the faces of the members of the Committee.

"What do you want of me here?" he inquired, affecting entire ignorance of the cause of his arrest.

"We have proof that you belong to Plummer's band of robbers, that you have been guilty of highway robbery and murder, and wish to hear what you have to say to these charges."

"I am as innocent," replied the miscreant, in a deliberate tone, "as the babe unborn. I never killed any one, nor robbed or defrauded any man. I am willing to swear it on the Bible."

Less for any more important purpose than that of testing the utter depravity of the wretch, the interrogator handed him a Bible. With the utmost solemnity of manner and expression, he repeated the denial, invoking the most terrible penalties upon his soul, in attestation of its truthfulness, and kissed the volume impressively at its close.

The Committee regarded this sacrilegious act of the crime-hardened reprobate with mingled feelings of horror and disgust.

"This denial," said the president, "can avail you nothing. Your life for many years has been a continuous career of crime. It is necessary that you should die. You had better improve the little time left you in preparation."

Helm looked hopelessly around, but saw no glance of sympathy in the stern features of his judges. Beckoning to a person standing near, he whispered, —

"Can I see you alone for a few minutes?"

The man, supposing that he was desirous of obtaining spiritual counsel, replied, —

"I will send for a clergyman."

"No," was the instant rejoinder. "I want no clergyman. You'll do as well."

Stepping into the inner room, Helm closed the door, and, turning to the man, in an anxious tone put the question, —

"Is there no way of getting out of this scrape?"

"None. No power here is available to save you. You must die."

"Well, then," said he, "I'll admit to you that I did kill a man by the name of Shoot, in Missouri. When I left there I went to California, and killed another chap there. I was confined in jail in Oregon, and dug my way out with tools given me by my squaw."

"Now," said his confessor, "having told me thus much, will you not give me what information you can concerning the band to which you belong, their names, crimes, and purposes?"

"Ask Jack Gallagher. He knows more than I do."

Gallagher, who had been brought into an adjoining apartment, separated from the one in which this conversation occurred by a thin board partition, on hearing this reference to himself, poured forth a torrent of profane abuse upon the head of his guilty confederate.

"It is just such cowardly rascals and traitors as you," said he, "that have brought us into this difficulty. You ought to die for your treachery."

"I have dared death in all its forms," said Helm, "and I do not fear to die. Give me some whiskey."

The guilty wretch, having been consigned to the custody of keepers, steeped what little sensibility he possessed in whiskey, and passed the time until the execution in ribald jesting and profanity.

Jack Gallagher bounded into the committee-room, swearing and laughing, as if the whole affair was intended as a good joke.

"What," said he, with an oath and epithet appended to every word, "is it all about? This is a pretty break, isn't it?"

On being informed of the charges against him, and the sentence of the Committee, he dropped into a seat and began to cry. In a few moments he jumped up, and with much expletive emphasis demanded the names of the persons who had informed against him.

"It was 'Red,' who was hanged a few weeks ago on the Stinking-water."

Gallagher cursed the dead ruffian for a traitor, liar, and coward, in the same breath.

"My God!" said he, "must I die in this way?" He was taken out of the committee-room while uttering the most terrible oaths and blasphemies.

Hayes Lyons, the only remaining ruffian, had not yet been arrested. The party detailed for that object, while searching for him at the Arbor Restaurant, had found and captured Gallagher, on learning which the Gallagher pursuers immediately took up the hunt for Lyons. Foiled at several points, they accidentally learned that he had crossed the crags overhanging the gulch, and, after wandering in a circuit of several miles through the mountains, had come back to a miner's cabin but half a mile distant from his point of departure. Proceeding with all possible speed to the cabin, the leader threw open the door, and, bringing his pistol to a deadly aim, exclaimed,—

"Throw up your hands."

Lyons, who was in the act of raising a piece of a griddle-cake to his mouth, dropped the fork instantly, and obeyed the order.

"Come out here, and surrender at once," was the next command.

He was in his shirt-sleeves, and, as he stepped out of the door into the biting atmosphere, he asked in an undertone,—

"Will some one get my coat?"

A member of the party brought it to him, and assisted him in putting it on. He trembled so much with fear that it was with difficulty he could get his arms into the sleeves. While the party were searching him to ascertain if he was armed, he said,—

"You disturbed me in the first meal I have sat down to with any appetite in six weeks."

"Finish your dinner," said the leader. "We will wait for you."

"Thank you; you are very kind, but I can eat no more. What do you intend doing with me? Will I be hung?"

"We are not here to promise you anything. You had better prepare for the worst."

"My friends advised me to leave two or three days ago."

"You would probably have done well had you followed their advice. Why didn't you go?"

"Because I had done nothing wrong, and did not wish to leave."

It is probable that but for the blandishments of a fascinating mistress, the memory of Dillingham's murder would have dictated to this ruffian an earlier and more successful effort at escape.

"Have you heard of the execution of Plummer, Stinson, and Ray?" asked the leader.

"Yes; but I don't believe the report is true."

"You may bet your sweet life on 't."

"Did they make any resistance?"

"No; they had no opportunity."

Arriving at the committee-room, the prisoner was immediately confronted with the officers.

"We have condemned you to death for the murder of Dillingham, and being associated in membership with Plummer's band of road agents. Have you anything to say in extenuation?"

"That I am not guilty. I have committed no crimes, and formed no associations, that call for such severity. I am as innocent as you are."

And yet, but a short time before, the wretched man had confessed to a leader of one of the police committees in presence of several witnesses, that he was the murderer of Dillingham. His complicity with Plummer's band was known to all.

Scarcely was Lyons's examination concluded, when word was brought to the Committee that two suspicious persons, who had gone hurriedly to Highland district, three miles above Virginia City, the evening before, were concealed in one of the unoccupied cabins there. An officer with fifteen men was sent to arrest them. They were disarmed, and brought before the Committee, but, no evidence appearing against them, they were discharged.

The examination being over, preparations were made for the execution of the convicts. These were very simple. The central cross-beam of an unfinished log store, cornering upon two of the principal streets, was selected for a scaffold. The building was roofless, and its spacious open front exposed the interior to the full view of the crowd. The ropes, five in number, were drawn across the beam to a proper length, and fastened firmly to the logs in the rear basement. Under each noose was placed a large, empty dry-goods box, with cord attached, for the drops.

Beside the large body of armed Vigilantes, a great number of eager spectators had assembled from all parts of the gulch to witness the execution. Six or eight thousand persons, comprehending the larger portion of the population of the Territory, gathered into a compact mass when the prisoners, with their armed escort, marched from the committee-rooms into the street, and were ranged in front of the guard.

"You are now," said the president, addressing them, "to be conducted to the scaffold. An opportunity is given you to make your last requests and communications. You will do well to improve it by making a confession of your own crimes, and putting the Committee in possession of information as to the crimes of others."

The prisoners separately declined to make any communication. When the guard were about to fasten their arms, Jack Gallagher, with an oath, exclaimed, —

"I will not be hung in public," and, drawing his pocket-knife, he applied the blade to his throat, saying: "I will cut my throat first."

The executive officer instantly cocked and presented his pistol.

"If you make another move of your arm," said he, "I will shoot you like a dog. Take the knife from him, and pinion him at once," he continued, addressing the guard. The ruffian cursed horribly, all the while his arms were being tied.

Boone Helm, with customary adjective profanity, said to Gallagher in a consolatory tone, —

"Don't make a fool of yourself, Jack. There's no use or sense in being afraid to die."

After the process of binding was completed, each prisoner was seized by the arm on either side, by a Vigilante who held in the hand not thus employed a navy revolver, ready for instant use. The large body of armed Vigilantes were then formed around the prisoners, into a hollow square, four abreast on each side, and a column in front and rear. A few men with pistols were dispersed among the crowd of spectators, to guard against any possible attempt at rescue. Thus formed, the procession marched in the direction of the scaffold with slow and solemn pace. The silence of the great throng was unbroken by a whisper, and, more eloquently than language could have done, declared the feelings of anxiety and suspense by which all were animated. Some little delay being necessary to complete the preparations at the scaffold, the procession halted in front of the Virginia Hotel, on the corner diagonally from it across Main street. While waiting there, "Clubfoot George" called to his side Judge Dance, and said to him, —

"You have known me ever since I came to Virginia City, more intimately than any other man. We have had dealings together. Can you not in this hour of extremity say a good word for my character?"

"It would be of no use, George. Your dealings with me have always been fair and honorable; but what you have done outside, I only know from the evidence, and that is very strong against you. I can do you no good."

"Well, then," said the penitent ruffian, "will you pray with me?"

"Willingly, George; most willingly," and, suiting the action to the word, the judge dropped upon his knees, and, with George and Gallagher kneeling beside him, offered up a fervent petition in behalf of the doomed men. Boone Helm was irritated at this request, and, raising his sore finger, exclaimed, —

"For God's sake, if you're going to hang me, I want you to do it, and get through with it; if not, I want you to tie a bandage on my finger."

While the prayer was in progress, Hayes Lyons requested that his hat should be removed. Frank Parish gave abundant evidence of deep contrition, but Boone Helm continued, as from the first, to treat all the proceedings with profane and reckless levity.

Gallagher, at one moment cursing, and at the next crying, seemed the least composed of any of the prisoners. He wore a handsome cavalry overcoat, trimmed with beaver.

"Give me that coat, Jack," said Helm, as Gallagher rose from his knees. "You never yet gave me anything."

"It's little use you'll make of it now," responded Gallagher with an oath, and, catching at the moment the eye of an acquaintance, who was regarding him from a window of the hotel, he called to him in a loud tone,—

"Say, old fellow, I'm going to heaven. I'll be there in time to open the gate for you."

"Halloo, Bill!" said Boone Helm to one in the crowd, "they've got me this time; got me, sure, and no mistake."

Hayes Lyons begged of his captors the privilege of seeing his mistress. "Let me bid her good-by and restore this watch to her, which is her property." The request was refused, only to be repeated, and on being made a third time he received for answer,—

"Hayes! bringing women to the place of execution 'played out' in '63, when they interfered with your trial for killing Dillingham."

The unhappy wretch ceased further importunity.

When the arrangements at the scaffold were completed, the guard crossed the street, opened ranks, and the prisoners were conducted through into the building, each as he entered stepping upon one of the dry-goods boxes. Ranged side by side, "Clubfoot George" was first on the east side of the room; next to him was Hayes Lyons, then Jack Gallagher, then Boone Helm, and near the west wall Frank Parish. The area in front of them was occupied by the guard and the members of the Executive Committee. The two streets in front and at the side of the building were crowded with armed Vigilantes and spectators. The order being given to remove the hats of the prisoners, Clubfoot George, whose hands were loosely fastened, contrived to reach his hat, which he threw spitefully on the floor, the hats of the others being at the same time removed by the guard.

After the nooses were adjusted, the chief of the Committee said to the prisoners, —

"You are now about to be executed. If you have any dying requests to make, this is your last opportunity. You may be assured they shall be carefully heeded."

Jack Gallagher broke in upon the closing part of this address with a leer, —

"How do I look, boys," he asked, "with a halter around my neck?" The grim effort failed to elicit a smile.

"Your time is very short," said the chief, again reminding them that their requests would be listened to.

"Well, then," said Gallagher, "I want one more drink of whiskey before I die."

The loathing which this request excited was apparent in the expression of the countenances of all who heard it. Some men exchanged meaning glances, revealing thereby the shock their sensibilities had received by this exhibition of depravity. Others craned their necks over the crowd, as if they had not heard aright. For a few minutes no one seemed to know what answer to make to a man whose last moments were given to the gratification of his evil appetites. This silence was soon broken, however, by an old miner.

"We told 'em," said he, "that we'd do whatever they asked. Give him the liquor."

A man appeared in a moment with a tumbler nearly full. Raising it as high as he could, the prisoner bent his head, but was restrained by the rope from touching the glass with his lips. Throwing his head back, he turned on the box, and, looking back upon the fastenings of the rope to the basement log at the rear of the building, in a loud and imperious tone he launched a profane and vulgar epithet at the guard, saying, —

"Slacken that rope, quick, and let a man take a parting drink, won't you?"

The rope was loosed, while the depraved wretch drained the tumbler at a draught. While the guard was refastening it, he exclaimed, —

"I hope Almighty God will curse every one of you, and that I shall meet you all in the lowest pit of hell."

The Committee decided that the executions should be single, commencing with "Clubfoot George," and concluding with Hayes Lyons, who stood next to him in order. At the words "Men, do your duty," the men holding the cords attached to the box on which the prisoner in turn stood, were by a sudden jerk to pull the footing from under him. A fall of three feet was deemed sufficient to dislocate the neck, and avoid the torture of protracted strangulation.

No more requests being made, the men laid hold of the cords attached to the box occupied by George Lane. Just at that moment the unhappy wretch descried an old friend clinging to the logs of the building, to obtain sight of the execution.

"Good-by, old fellow," said he. "I'm gone," and, without waiting for the box to be removed, he leaped from it, and died with hardly a struggle.

"There goes one to hell," muttered Boone Helm.

Hayes Lyons, who stood next, was talking all the while, telling of his kind mother; that he had been well brought up, but evil associations had brought him to the scaffold.

Gallagher cried and swore by turns.

"I hope," said he, "that forked lightning will strike every strangling villain of you." The box, flying from under his feet, stopped an oath in its utterance, and the quivering of his muscles showed that his guilty career was terminated.

"Kick away, old fellow," said Boone Helm, calmly surveying the struggles of the dying wretch. "My turn comes next. I'll be in hell with you in a minute." Shouting in a loud voice, "Every man for his principles! Hurrah for Jeff Davis! Let her rip," his body fell with a twang that killed him almost instantly.

Frank Parish maintained a serious deportment from the moment of his arrest until his execution. At his request his black necktie was dropped like a veil over his face. He "died and made no sign."

Hayes Lyons was the only one remaining. Looking right and left at the swaying bodies of his companions, his anxious face indicated a hope of pardon. His entreaties were incessant, but when he found them unavailing, he requested that his mistress might have the disposition of his body; that the watch of hers which he wore might be restored to her, and that he might not be left hanging for an unseemly time. He died without a struggle.

Two hours after the execution the bodies were cut down, and taken by friends to Cemetery Hill for burial.

X. Beidler officiated as adjuster of the ropes at this execution. Jack Gallagher had killed a friend of his. Some time afterwards, when he was relating the circumstances attending the execution, in a mixed crowd, a gentleman present who was greatly interested in the narrative, and whose sympathy for the ruffians was very apparent, asked, at the close of the narrative, in a lachrymose tone, —

"Well, now, when you came to hang that poor fellow, didn't you sympathize with him, didn't you feel for him?"

Beidler regarded the man for a moment with great disgust, and, imitating his tone, replied slowly, —

"Yes, I did. I felt for him a little, I felt for his left ear."

CHAPTER XIV.

PURSUIT OF ROAD AGENTS.

Pursuit, Capture, and Execution of Steve Marshland, Bill Bunton, Cyrus Skinner, Alex Carter, Johnny Cooper, George Shears, and Bob Zachary—Incidents by the Way.

The work so well begun was prosecuted with great energy. The ruffians had fled from Virginia City and Bannack, over the range to Deer Lodge and Bitter Root, intending gradually to return to their old haunts in Idaho. The Vigilantes, resolved that they should not escape, took up the pursuit. A company of twenty-one, under the command of a competent leader, left Nevada on the fifteenth of January. Arriving at Big Hole in the evening, they sent a detachment to Clark's ranche to arrest the bandit Steve Marshland, who was laid up with frozen feet, and the wound which he received in the breast while attacking Moody's train. Receiving no response to their repeated raps at the door of the cabin, one of the party entered, and, lighting a wisp of straw, found Marshland in bed.

"Hands up, if you please," said he, pointing his revolver at the head of the prostrate robber, who obeyed the command as well as circumstances would admit.

"Are you sick, Steve?" queried the Vigilante.

"Yes — very," faintly responded Marshland.

"No one with you?"

"No one, — no living thing but the dog."

"What is the matter?"

"I've got the chills."

"Strange! New kind of sickness for winter! Nothing else the matter?"

"Yes. I froze my feet while prospecting at the head of Rattlesnake creek."

"Did you raise the color?"

"No. The water prevented me from going to bed-rock."

While this conversation was in progress, the party had built a fire and commenced cooking supper. Removing from beside the bed two double-barrelled shotguns, a yager, and another rifle, they invited Marshland to get up and take supper with them. During the meal all engaged in merry conversation. After it was over, the leader informed Marshland that he was arrested for the robbery of Moody's train.

"You received," said he, "while engaged in that robbery, a bullet wound in the breast, by which we shall be able to identify you."

"I received no such wound," said he; and, striking his breast several times, he continued, "My breast is as sound as a dollar."

"You can have no objection, then, to submitting to our examination."

"None in the least, gentlemen. Look for yourselves."

The leader threw open his shirt. The mark of the recent wound confirmed the guilt of the robber. He could give no explanation of the manner in which he received it.

"The evidence is satisfactory to us," said the leader. "We have made no mistake in arresting you. You must die."

"For God's sake do not hang me. Let me go, and I will trouble you no more."

"It cannot be. We shall certainly execute every one of Plummer's infamous band that falls into our hands, and we hope to catch them all."

Finding importunity of no avail, he made a full and frank confession of all his crimes. A scaffold was improvised by sticking a pole into the ground, the end of which projected over the corral fence, upon which the pole rested. A box taken from the cabin was placed under it, for the prisoner to stand upon. When all was ready, and the fatal noose was adjusted, the prisoner once more appealed to his captors.

"Have mercy on me for my youth!" he exclaimed.

"You should have thought of it before," replied the leader, as he gave the fatal order, and the poor wretch was launched into eternity.

The scent of his frozen feet attracted the wolves, and the party were obliged to watch both him and the horses, to prevent an attack by these animals. He was buried near the place of execution. The detachment found the main party the next morning, having been absent only one night.

The Vigilantes resumed their march, beginning at this point the ascent of the Deer Lodge divide. Not knowing how soon or where they might overtake others of the gang, they rode forward in double file at the rate of sixty miles a day. They divided their company into four messes, each of which being supplied plentifully with food already cooked, they lighted no large campfires, lest the smoke therefrom should betray them. A double watch was kept over the horses while in camp. Each man was armed with at least one, some with two revolvers, and a shotgun or rifle. While on the march, the captain was in the van. After they descended into the valley of Deer Lodge, a spy was sent forward to reconnoitre the town of Cottonwood, with instructions to meet the party at Cottonwood creek.

At four o'clock P.M. they halted at Smith's ranche, seventeen miles from Cottonwood, until after dark, when they rode cautiously forward until within a short distance of the town. Learning from their spy that all the robbers except Bunton and "Tex" had gone, they rode hastily into the town and surrounded the saloon of the former. Bunton refused to open the door. Three men detailed to arrest him called to him and expressed a wish to see him. He persisted in denying them admittance, until convinced that they would effect an entrance by force; and he then told a man and boy in his employ to let them in. The door was opened, but, as the lights within had been extinguished, the men declined to enter until a candle was lighted. As soon as light was furnished, they rushed in, and the leader exclaimed, —

"Bill, you are my prisoner!"

"For what?" inquired Bunton.

"Come with us at once, and you'll find out."

Observing that he made signs of resistance, a Vigilante, whose courage exceeded his strength, seized the ruffian and attempted to drag him out. Finding himself overmatched, he called to his assistance a comrade, who soon succeeded in binding the hands of the desperado behind him. In this condition he was conducted by a guard to the cabin of Peter Martin.

"Tex," who was in the saloon, was conquered in much the same manner, and forced to follow his companion.

Martin, who knew nothing of the arrest, was seated at a table playing a game at cards with some friends. Hearing that the Vigilantes were surrounding his house, he dropped his cards, and started with great affright for the door. For a long time he refused to obey their summons to come out, but, on being assured that he "wasn't charged with nothin'," he opened the door and returned to his game.

After breakfast the next morning a person who had been conversing with Bunton informed the Vigilantes that he had said to him that he would "get one of them yet," on learning whereof they searched him a second time. They found a derringer in his vest-pocket, which had evidently been placed there by some sympathizer during the night.

Bunton refused to make any answer to the charges made against him. No doubt was entertained of his guilt. The vote on his case, taken by the uplifted hand, was unanimous for his execution. The captain informed him of it.

"If you have any business to attend to, you had better intrust it to some one, as we cannot be delayed here."

Bunton immediately gave his gold watch to his partner Cooke, and appropriated his other property to the payment of his debts. He had gambled for and won the interest in the saloon from its former owner a fortnight before this time. Having thus disposed of his affairs, he was conducted to the gate of a corral near, surmounted by a gallows-frame, beneath which a board laid upon two boxes served the purpose of a drop. While the hangman was adjusting the rope, he gave him particular instructions about the exact situation of the knot. This being fixed to suit him, he said to the captain, —

"May I jump off myself?"

"You can if you wish," was the reply.

"I care no more for hanging," said Bunton, "than I do for taking a drink of water; but I should like to have my neck broken."

On being asked if he had anything further to say, he replied, —

"Nothing, except that I have done nothing to deserve death. I am innocent. All I want is a mountain three hundred feet high to jump from. And now I will give you the time; one — two — three." The men were prepared to pull the plank from under him should he fail to jump, but he anticipated them, and, adding the words, "Here goes," he leaped and fell with a loud thud, dying without a struggle.

"Tex" was separately tried. The evidence being insufficient to convict him, he was liberated, and left immediately for the Kootenai mines.

Mrs. Demorest, the wife of the owner of the corral, was so greatly outraged by the use made of the gate frame that she gave her husband no peace until the poles were cut down, and the frame entirely unfitted for further use as a gallows.

After the execution of Bunton, the Vigilantes, in company with Jemmy Allen, a rancheman, left Cottonwood for Hell Gate, a little settlement ninety miles down the river, in the vicinity of Bitter Root valley. Snow covered the ground to the depth of two feet, and the weather was intensely cold. It was after dark when the company arrived at one of the crossings of the Deer Lodge. The river, being a rapid mountain stream, seldom freezes sufficiently solid to bear a horseman; but, no other mode of transit presenting itself, the Vigilantes drove hurriedly upon the frozen surface, and, before they were half-way across, the ice gave way, precipitating their horses into the water. Had the stream been wide, all must have perished. As it was, after much floundering and considerable exertion, all were landed safely on the opposite bank. One of the party barely escaped drowning, and his horse was dragged from the stream by a lariat around his neck. At eleven o'clock the company arrived at Allen's ranche, where they passed the remainder of the night in blankets.

The next day, accompanied by Charles Eaton, who was familiar with the country, they rode on in the direction of Hell Gate, but, owing to the great depth of the snow, progressed only fifteen miles. They made a camp in the snow. Their horses, being accustomed to the mountains, pawed in the snow to find the bunch-grass. The ride of the following day terminated at the workmen's quarters on the Mullen wagon-road. One of the ponies broke his leg by stepping into a badger hole while they were going into camp, and another, by a similar accident, stripped the skin from his hind-legs. They were obliged to shoot the former, and turn the latter loose to await their return.

The troop were in their saddles at daylight, on the route to the settlement, which they approached to within six miles, and went into camp until after nightfall. Then they resumed their ride, stopping a short distance outside of the town. The scout they had sent to reconnoitre brought them all needful information, and, mounting their horses, they entered the town on a keen run. Skinner was standing in the doorway of his saloon, when they rode up, surrounded the building, and ordered him to "throw up his hands."

"You must have learned that from the Bannack stage folks," said his *chère amie*, Nelly, who was an observer of the scene.

Two men dismounted, and, seizing Skinner, bound him immediately. Meantime two or three Vigilantes threw open the door of Miller's cabin, which was next to Skinner's, and Dan Harding, the foremost among them, levelling his gun, shouted to some person lying upon a lounge,—

"Alex, is that you?"

"Yes," replied the man, "what do you want?"

"We want you," was the reply, as the men rushed in, took his pistol, and bound the robber before he was thoroughly aroused from sleep.

"These are rather tight papers — ain't they, boys?" said Carter. "Give me something to smoke and tell me the news." On being told the names of those who had been executed, he quietly remarked, —

"That's all right; not an innocent man hung yet."

He and Skinner were conducted down to Higgins's store, and their examination immediately commenced. Three hours were occupied in the investigation, during which Nelly came down, with the intention of interfering in Skinner's behalf. She was sent home under guard; and her escort, on searching her premises, found Johnny Cooper prostrated by three pistol shots, received in a quarrel with Carter the previous day, but for which it had been the intention of Carter and Cooper to leave for Kootenai. The baggage and provisions they had procured for the journey, worth a hundred and thirty dollars, together with the pack-animal, were taken for the use of the expedition, and were paid for by M. W. Tipton, whom Carter and Cooper had persuaded to become their surety for the amount.

During the trial of Carter, he confessed his complicity as accessory, both before and after the fact, to the murder of Tiebalt. It was proven also that he was concerned in the coach robbery. Skinner made no confession, nor was it necessary, as his criminal character and acts were susceptible of abundant proof.

Cooper was tried separately. He was one of the lieutenants of the band. A Vigilante by the name of President testified to his having murdered a man in Idaho, for which he was arrested by the people. While being conducted to the place of trial, he broke from his captors, leaped with a bound upon a horse standing near, and, amid a hundred shots, escaped uninjured, and came to Montana.

On the evening of the day these trials were in progress, a detachment of eight men left Hell Gate in pursuit of Bob Zachary, whom they found seated in bed, in the cabin of Hon. Barney O'Keefe, known throughout Bitter Root valley as "the Baron." One of the party, on entering, pushed him over, upon his back, taking from him, at the same time, his pistol and knife. While on their return with him to Hell Gate, O'Keefe unintentionally mentioned that a stranger was stopping at Van Dorn's cabin, in the Bitter Root valley. A company of three Vigilantes, suspecting by the description given that he was none other than George Shears, another of the band, started at once in pursuit.

Riding up in front of the cabin, Thomas Pitt, their leader, inquired of the man who met them at the door, if George Shears was in.

"Yes," said Van Dorn. "He is in the inner room."

"Any objection to our entering?" inquired Pitt.

Van Dorn replied by opening the door of the room, where George was discovered, knife in hand. He surrendered without resistance, astonishing his captors by the utter indifference he manifested to the near approach of death. Walking with Pitt to the corral, he designated the horses he had stolen, and confessed his guilt.

"I knew," said he, "I should have to come to this sometime, but I thought I could run another season."

"There is no help for you, George," said Pitt. "You must suffer the same fate as your companions in crime."

"I suppose I should be satisfied," replied the ruffian, "that it is no worse."

He was conducted to the barn, where, a rope being cast over a beam, he was requested, in order to save the trouble of procuring a drop, to ascend the ladder. He complied without the least reluctance. After the preparations were completed, he said to his captors, —

"Gentlemen, I am not used to this business, never having been hung before. Shall I jump off, or slide off?"

"Jump off, of course," was the reply.

"All right," he exclaimed, "good-by!" and leaped from the ladder, with the utmost *sang froid*. The drop was long, and the rope tender. As the strands untwisted, they parted, until finally one alone remained.

Soon after the party which had captured Zachary and Shears left Hell Gate, intelligence was received there that William Graves (Whiskey Bill) was at Fort Owen in the Bitter Root valley. Three men were sent immediately to arrest and execute him. He was armed and on the lookout, and had repeatedly sworn that he would shoot any Vigilante that came in his way. The party was too wary for him. He was first made aware of their presence, by a stern command to surrender, and a pistol at his heart. He made no resistance, and refused all confession. A rope was tied to the convenient limb of a tree, and the drop extemporized by placing the culprit astride of a strong horse, behind a Vigilante. When all was ready, the rider, exclaiming "Good-by, Bill," plunged the rowels into the sides of the horse, which madly leaping forward, the fatal noose swept the robber from his seat, breaking his neck by the shock, and killing him instantly.

In the mean time, the trials of Carter, Skinner, and Cooper had resulted in the conviction of those ruffians, and they were severally condemned to die. Scaffolds were hastily prepared by placing poles over the fence of Higgins's corral. Carter and Skinner were conducted to execution by torchlight, a little after the midnight succeeding their trial. Dry-goods boxes were used for drops. On their march to the place of execution, Skinner suddenly broke from his guard, and ran off, shouting, "Shoot! Shoot!" Not a gun was raised, but after a short chase in the snow the prisoner was secured, and led up to the scaffold. He made a second attempt to get away while standing on the box, but a rope was soon adjusted to his neck, and the leader said to him, —

"You may jump now, as soon as you please." Carter manifested great disgust at Skinner's attempt to run away. While he was standing on the drop, one of the Vigilantes requested him to confess that he participated in the murder of Tiebalt.

"If I had my hands free," he replied with an oath, "I'd make you take that back."

Skinner, who stood by his side, was talking violently at the time, and Carter was ordered to be quiet.

"Well, then, let's have a smoke," said he; and, a lighted pipe being given him, he remained quiet. Both criminals, as they were launched from the platform, exclaimed, "I am innocent" — the password of the band. They died without seeming pain.

The party that arrested Zachary arrived with him the next morning. He was tried and found guilty. By his directions a letter was written to his mother, in which he warned his brothers and sisters to avoid drinking, card-playing, and bad company — three evils which, he said, had brought him to the gallows. On the scaffold he prayed that God would forgive the Vigilantes for what they were doing, as it was the only way to clear the country of road agents. He died without apparent fear or suffering.

Johnny Cooper was drawn to the scaffold in a sleigh, his wounded leg rendering him unable to walk. He asked for his pipe.

"I want," said he, "a good smoke before I die. I always did enjoy a smoke." A letter had been written to his parents, who lived in the State of New York. Several times, while a Vigilante was engaged in adjusting the rope, he dodged the noose, but, on being told to keep his head straight, he submitted. He died without a struggle.

Having finished their mission, the Vigilantes returned to Nevada.

CHAPTER XV.

EXECUTION OF HUNTER.

SEARCH FOR BILL HUNTER — HIS PLACE OF CONCEALMENT DISCOVERED — PARTY START IN PURSUIT — INCIDENTS BY THE WAY — ARRIVAL AT THE CABIN — ARREST — START FOR VIRGINIA CITY — CONSULTATION — EXECUTION — REFLECTIONS.

SOON after the transactions recorded in the last chapter, the Virginia City Vigilantes were informed that Bill Hunter had been seen in the Gallatin valley. It was reported that he sought a covert among the rocks and brush, where he remained during the day, stealing out at night and seeking food among the scattered settlers, as he could find it. His place of concealment was about twenty miles from the mouth of the Gallatin river. A number of the Vigilantes, under the pretence of joining the Barney Hughes stampede to a new placer discovery, left Virginia City, and scoured the country for a distance of sixty miles or more, in search of the missing ruffian. Hunter was discovered during this search.

As soon as it became known that he was at the spot indicated, four resolute men at once volunteered to go in pursuit of, capture, and execute him. Their route lay across two heavy divides, and required about sixty miles of hurried travelling. The first day they crossed the divide between the Pas-sam-a-ri and the Madison, camping that night on the bank of the latter river, which they had forded with great difficulty. The weather was intensely cold, and their blankets afforded but feeble protection against it. They built a large camp-fire, and lay down as near to it as safety would permit. One of their number spread his blankets on the slope of a little hillock next the fire, and during the night slipped down until his feet encountered the hot embers. The weather increased in severity the next day, during most of which the Vigilantes rode through a fierce mountain snow-storm, with the wind directly in their faces. At 2 o'clock P.M. they halted for supper at the Milk ranche, about twenty miles from the place where they expected to find the fugitive. Under the guidance of a man whom they employed here, they then pushed on at a rapid pace, the storm gathering in fury as they progressed. At midnight they drew up near a lone cabin in the neighborhood of the rocky jungle where their game had taken cover.

"This storm has certainly routed him," said one of the Vigilantes. "Ten to one, we bag him in the cabin."

"Very likely," replied another. "He would not suspect danger in such weather. It will save us a heap of trouble."

One of the men rapped loudly at the cabin door. Opening it slowly, a look of amazement stole over the features of the inmate, as he surveyed the company of six mounted armed men.

"Good-evening," said one, saluting him.

"Don't know whether it is or not," growled the man, evidently suspicious that a visit at so late an hour meant mischief.

"Build us a fire, man," said the Vigilante. "We are nearly frozen, and this is the only place of shelter from this storm for many miles. Surely you won't play the churl to a party of weather-bound prospectors."

Re-assured by this hearty reproof for his seeming unkindness, the man set to work with a will, and in a few moments a genial fire was blazing on the hearth, which the party enjoyed thoroughly. Glancing curiously around the little room, the Vigilantes discovered that it contained three occupants besides themselves. Placing their guns and pistols in convenient position, and stationing a sentinel to keep watch and feed the fire, the men spread their blankets on the clay surface of the enclosure, and in a few moments were locked in sleep; careful, however, first, to satisfy the eager curiosity of their entertainers, by a brief conversation about mining, stampeding, prospecting, etc., and leading them to believe that they were a party of miners, returning from an unsuccessful expedition.

Fatigued with the ride and exposure of the two previous days, the Vigilantes slept until a late hour the next morning. Two of the occupants of the cabin rose at the same time. The other, entirely enveloped in blankets, kept up a prolonged snore, whose deep bass signified that he was wrapped in profound slumber. The Vigilantes, contriving to keep four of their number in the cabin, while making preparations to depart, soon had their horses saddled; but when all was ready, one of them inquired in a careless tone, —

"Who is the man that sleeps so soundly?"

"I don't know him," said the host.

"When did he come here?"

"At the beginning of the snow-storm, two days ago. He came in and asked permission to remain here until it was over."

"Perhaps it's an acquaintance. Won't you describe him to us?"

The man complied, by giving a most accurate description of Hunter. No longer in doubt, the Vigilante went up to the bedside, and, in a loud voice, called out, "Bill Hunter!"

Hastily drawing the blanket from his face, the occupant stared wildly out upon the six armed men, asking in the same breath, —

"Who's there?"

Six shotguns levelled at his head answered the question.

"Give us your revolver, and get up," was the command. Hunter instantly complied.

"You are arrested as one of Plummer's band of road agents."

"I hope," said Hunter, "you will take me to Virginia City." A Vigilante assented.

"What conveyance have you for me?"

"There," said one, pointing to a horse, "is the animal you must ride."

The prisoner put on his hat and overcoat, and mounted the horse. Just as he was about to seize the reins, a Vigilante took them from his hands, saying, with affected suavity, —

"If you please, I'll manage these for you. You've only to sit still and ride."

After the company started, the robber cast a suspicious glance behind him, and saw one man following on foot. His countenance fell. The expression told, in stronger language than words, that the thought which harassed him was that he would not be taken to Virginia City. About two miles distant from the cabin, the company drew up and dismounted under a solitary tree. Scraping away the snow, they kindled a fire, and prepared their breakfast; of which the robber partook with them, and seemed to forget his fears, and laughed and joked as if no danger were nigh. Breakfast over, the Vigilantes held a brief consultation as to the disposition which should be made of their prisoner. On putting the question to vote, it was decided by the votes of all but the person who had signified to Hunter that he was to be taken to Virginia City, that his execution should take place instantly.

The condemned wretch turned deadly pale, and in a faint voice asked for water. One of the Vigilantes related to him the crimes of which he had been guilty.

"Of course," said he, "you know that offences of this magnitude, in all civilized countries, are punished with death. The necessity for a rigid enforcement of this penalty, in a country which has no judiciary, is greater even than in one where these crimes are tried by courts of law. There is no escape for you. We are sorry that you have incurred this penalty, — sorry for you, but the blame is wholly yours."

Hunter made no reply to the justice in his case, but requested that his friends should not be informed of the manner of his death.

"I have," said he, "no property to pay the expense of a funeral, and my burial even must depend upon your charity. I hope you will give me a decent one."

"Every reasonable request shall be granted, Bill," said the Vigilante; "but you know the ground is too hard for us to attempt your interment without proper implements. We will inform your friends of your execution, and they will attend to your burial."

While this conversation was going on, some of the Vigilantes had prepared the noose, and passed the rope over a limb of the tree. The criminal shook hands with all, tearfully bidding each "good-by." After the rope was adjusted, several of the men took hold of it, and at a given signal, by a rapid pull, ran the prisoner up so suddenly that he died without apparent suffering; yet, strange to say, he reached as if for his pistol, and pantomimically cocked and discharged it six times. The "ruling passion was strong in death." Leaving the corpse suspended from the tree, the Vigilantes, now that their work was done, hurried homeward at a rapid pace.

Hunter was the last of Plummer's band that fell into the hands of the Vigilantes. The man was not destitute of redeeming qualities. He often worked hard in the mines for the money he lost at the gaming-table, but in an evil hour he joined Plummer's gang, and aided in the commission of many infamous crimes. In his personal intercourse he was known to perform many kind acts. He admitted, just before his death, the justice of his sentence. It is believed that in his escape through the pickets at Virginia City he was assisted by some of the Vigilantes, who did not credit his guilt.

The death of Hunter marked the bloody close of the reign of Plummer's band. He was the last of that terrible organization to fall a victim to Vigilante justice. The retribution, almost Draconic in severity, administered to these daring freebooters had in no respect exceeded the demands of absolute justice. If the many acts I have narrated of their villanies were not sufficient to justify the extreme course pursued in their extermination, surely the unrevealed history, greater in enormity, and stained with the blood of a hundred or more additional victims, must remove all prejudices from the public mind against the voluntary tribunal of the Vigilantes. There was no other remedy. Practically, they had no law, but, if law had existed, it could not have afforded adequate redress. This was proven by the feeling of security consequent upon the destruction of the band. When the robbers were dead the people felt safe, not for themselves alone, but for their pursuits and their property. They could travel without fear. They had a reasonable assurance of safety in the transmission of money to the States, and in the arrival of property over the unguarded route from Salt Lake. The crack of pistols had ceased, and they could walk the streets without constant exposure to danger. There was an omnipresent spirit of protection, akin to that omnipresent spirit of law which pervaded older civilized communities. Men of criminal instincts were cowed before the majesty of an outraged people's wrath, and the very thought of crime became a terror to them. Young men who had learned to believe that the roughs were destined to rule, and who, under the influence of that guilty faith, were fast drifting into crime, shrunk appalled before the thorough work of the Vigilantes. Fear, more potent than conscience, forced even the worst of men to observe the requirements of civilized society, and a feeling of comparative security among all classes was the result.

But the work was not all done. A few reckless spirits remained, who, when the excitement was over, forgot the lesson it taught, and returned to their old vocation. The Vigilantes preserved their organization, and, as we shall see in the subsequent pages of this history, meted out the sternest justice to all capital offenders.

This portion of my history would be incomplete did I omit to mention that Smith and Thurmond, the lawyers who had on several prominent occasions defended the bloodiest of the roughs, were both banished. The former of these was a man of remarkable ability in his profession, and of correct and generous impulses. To a clear, logical mind, and thorough knowledge of his profession, he added fine powers as an orator; and it was these qualities, more than any sympathy he indulged for his clients, that rendered him obnoxious to public censure and suspicion. After an exile of two years he returned to the Territory, resumed the practice of law, which he followed with success for several years and until his death, which occurred in Helena in 1870, and was greatly lamented by all who knew him.

Thurmond came from the "west side," with a reputation for being a friend of the roughs, — one not in complicity with them, but upon whom they could always depend for assistance in case of difficulty. After his banishment he went to Salt Lake City, where he associated himself with the Danites, or Destroying Angels of the Mormon church, whom he tried to induce to follow his leadership in an active crusade against all the members of the Montana Vigilance Committee who might pass through Utah on their way to the States. Failing in this, he afterwards removed to Dallas, Texas, where he became involved in a quarrel with a noted desperado, by whom he was shot and instantly killed.

The administration of justice, and the peace and safety of the people, demanded the banishment of both these men, though many of worse character and more criminal nature but of less influence were permitted to remain.

CHAPTER XVI.

THE STRANGER'S STORY.

PREPARATIONS FOR A HOME — DISASTERS — DISAPPOINTMENTS — HERMIT LIFE — BOONE HELM — HIS DEPARTURE — A STRANGE VISITANT — ROMANTIC HISTORY — RETURN OF HELM AND TWO COMPANIONS — HIS MURDEROUS DESIGNS THWARTED — RETURN TO CIVILIZATION — MEETING WITH BENEFACTRESS.

LATE in the fall of 1872, I spent a few days in Salt Lake City. One evening at the Townsend House, while conversing with Governor Woods and a few friends upon the events which had led to the organization of the Montana Vigilantes, I mentioned the name of Boone Helm.

"Boone Helm! I knew him well," was the abrupt exclamation of a stranger seated near, who had been quietly listening to our conversation. We were no less attracted by the singular appearance of the speaker, than the suddenness of the remark. Tall, slender, ungainly, awkward in manner, he yet possessed a pleasing, intellectual countenance, and a certain magnetism, which begat an instantaneous desire in all to hear his history.

"Excuse me, gentlemen," said he, drawing his chair nearer our circle, "for obtruding myself, but the mere utterance of the name of Boone Helm brings to memory the most thrilling episode of my life's history."

Assuring him that no apology was necessary, and that the recital of adventures was the order of the evening, we all united in the request that he should favor us with his narration.

"It's quite a long story," he resumed, lighting his meerschaum, "and you may tire of it before I close. Our individual experiences seldom interest listeners, but the subject of your conversation at this time affords a good place to slip in this single feature of a life not entirely void of adventure; and I hope it will not detract from the entertainment of the evening. Truth obliges me to be the hero of my own tale."

Drawing his chair into the centre of our circle, he began, —

"I went to Oregon a mere boy, and grew to manhood there. My early education was neglected for want of opportunity, there being no schools in the country. I mention this to account for a fact which will become apparent hereafter. Our neighbors, in the dialect of the country, thought me a little 'luny,' and predicted for me an unhappy future. I certainly was eccentric, and when I recall many acts of my early life, I do not blame them for harshness of judgment.

"As I approached manhood, no text of the sacred volume exercised me more than that which declares it is not good for man to be alone. I set to work to make preparations for domestic life. I entered a quarter section of land, built a house, ploughed fields, planted an orchard, cultivated a garden, which I laid out with walks, adorning them with the choicest shrubs and flowers. My grounds and dwelling were as neat and comfortable as the resources of a new country would permit. I stocked my farm with horses, cattle, sheep, and chickens — in brief, I lacked none of the essentials to a happy farm life.

"I had selected the fair one who was to share with me life's joys and sorrows, and obtained her promise to marry the following autumn. The world before me was roseate with beauty and happiness. My feelings were buoyant, unmingled with a single thought of disappointment or failure in the plans I had made. But alas! in a few brief months all this dream was wretchedly dispelled. I learned the lesson taught in those simple words, 'Man proposes, but God disposes.' When the products of my fields were teeming with their highest life, and the flowers and shrubs in my garden were blooming in their greatest beauty, and the sun shone brightest, and the birds sang sweetest, an angry cloud appeared, filled with myriads of those winged pests that have so often swept from the soil all the hopes and treasures of the husbandman. The destruction of the fields of Egypt under the curse of locusts was not more complete than that of the field and garden which, a few hours before, had been my greatest pride. They were thoroughly denuded — field, garden, yard, even the stately trees around my dwelling — all were naked, shaven, brown, and barren. A more perfect blight could not be conceived. My heart for the moment sank within me.

"But, being naturally of a hopeful disposition, I remembered that flocks and herds were still left, and I determined to look at the disaster with a strong heart, and try by renewed exertion to regain what had been lost. Alas! troubles never come singly. I was obliged to postpone my marriage indefinitely. The coldest winter and heaviest snows ever known before or since in that country brought starvation to all my cattle, horses, pigs, and chickens, and when spring came I had nothing left but my dwelling. I became despondent, sulky, indifferent. My father, who dwelt in another part of the country, was wealthy. Generously sympathizing in my misfortunes, he offered to give me a fresh start, with three hundred head of cattle and the necessaries of life. I accepted, and determined to plunge deeper into the wilds, away from civilization, and begin life anew, thinking to avenge myself upon the disappointments of the past by a solitary life, with nature and books as a solace.

"I bought a well-selected assortment of educational volumes, ranging from a spelling-book to the Latin and Greek classics, and from Ray's Arithmetic to the higher branches of mathematics, and, employing three reliable men to drive the herd, picked my way over mountains and rivers to the Rogue River valley, a region then destitute of settlers, but the principal hunting-ground and home of the fiercest and most warlike tribe of Indians on the Pacific coast. Their hostility to the whites then, and for many years afterwards, was bloodthirsty and unappeasable. But I was accustomed to frontier life, familiar with the country, and did not fear the Indians. The valley was full of game, and they would not kill my stock. My life, which they would destroy on the first opportunity, I determined to look out for as best I might; besides, there was an indescribable charm in the idea of such exposure as required a constant exercise of all the faculties. A man shows for all he is worth in a country filled with hostile Indians. He makes no mistakes there, and learns the value of gun, pistol, and hunting-knife.

"I selected a place thirty-six miles west of the old California trail, under the shadow of the Coast range of mountains, in one of the most charming of valleys. The only evidence that it had ever been visited by a human being was a small Indian trail near by, which led from the base of Siskiyou mountain to the ocean, near the mouth of Coquillas river. I turned my cattle upon the fine range of native grass which covered both hill and valley in all directions, and, with the aid of the herdsmen, built a log cabin, stockading a half-acre, enclosing it with poles fifteen feet high. My armory consisted of one rifle, fifteen United States yagers, one double-barrelled shot-gun, a pair of Colt's revolvers, and a large supply of ammunition. Feeling that I was now prepared to defend myself against the Indians, I dismissed the men, who returned to the settlements, and began the life of solitude.

"In the early days of this experience, I confess I sometimes cast longing thoughts back to the relations and friends I had forsaken, and wished I had been less precipitate in my choice of a mode of life. Then the past would come up, with its commencement of promise and happiness, and its close of disappointment and gloom. I called philosophy to my aid, and strove to forget, in my studies, which I engaged in with energy, all my former joys and griefs.

"Familiarity with my condition wore away all regrets, and I soon learned to love my exile, and to regard it as the most instructive and least harmful portion of my life. To avoid too great monotony, I occasionally spent a day in hunting or fishing, or looking after my herd; but the proficiency I made in study was my greatest source of encouragement and happiness.

"Month after month imperceptibly glided away, except as each was marked by some increase in knowledge, and some additions to my cattle. I felt resigned to an isolation which cast me off from all communion with the world and all knowledge of its transactions. Indians would occasionally appear, but they knew my means of defence, and never disturbed me. Their attacks upon armed men, like those made upon the grizzly or mountain lion, are only ventured when safe, and always with strategy. Sometimes, when I saw them passing, I longed for a tussle with them as a change of occupation, but they never gave me the opportunity.

"One day, wearied with a problem in Euclid, I shouldered my rifle, and strolled into the adjacent forest in quest of a deer. A rustle in the undergrowth attracted my attention. Supposing it to be caused by some animal, I peered cautiously in the direction from within the shadow of a pine, and saw, to my surprise, a man half concealed in a thicket, watching me. It was the work of an instant to bring my rifle to an aim.

"'Who are you?' I demanded, knowing if he were a white man he would answer.

"He replied in unmistakable English, 'I am a white man in distress.'

"Dropping my rifle on my shoulder, I hastened to him, and found a shrunken, emaciated form, half naked, and nearly famished. A more pitiable object I never beheld.

"'My name,' said he, 'is Boone Helm. I am the only survivor of a company which, together with the crew and vessel, were lost on the coast ten days ago. We were bound for Portland from San Francisco, and were driven ashore in a storm. I escaped by a miracle, and have wandered in the mountains ever since, feeding on berries, and sleeping under the shelter of rocks and bushes. I came in this direction, hoping to strike the California trail, and fall in with a pack train.'

"He gave me a circumstantial account of his shipwreck and wanderings, which interested me very much. My sympathies were enlisted, and I conducted him to my home, sharing 'bed and board' with him for a month or more. He recruited in strength rapidly. I found him genial and intelligent, though uneducated. He was an agreeable talker, and told a story with an enchanting interest. By shreds and patches he disclosed much of his personal history, occasionally dropping a word or expression which led me to believe he had been a great criminal, and more than once imbrued his hands in the blood of his fellow-man. He remained with me for a month or more, long enough to make the prospect of separation painful, though I felt that I would be better off without than with him. When he left, I gave him a good buckskin suit, a cap, a pair of moccasins, and a gun. He wrung my hand at departure, expressing the warmest gratitude.

"For a while I was very lonely, and found my studies irksome; but, as time flew on, I fell naturally into my old round of employment, and solitude became sweeter than ever. Another year came and went, during which I labored diligently at my books. I was proud of my acquirements. I had mastered Arithmetic, Algebra, and Geometry, and read Latin and Greek with facility. My herds had greatly increased. I could drive them to Yreka and sell them for a small fortune, a measure I had determined upon for the following summer. Except when I went to fish or hunt, or look after my cattle, I never left my home. It was my custom, during the warm days of summer, to spread my blanket, and lie down in the shade of the stockade; and, with guns and pistols in reach, pursue my studies.

"One day while thus extended, reading a thrilling passage in the Æneid, I was startled by the distant clatter of a rapidly approaching horse. Seizing my rifle, I sprang to an opening, to reconnoitre for Indians. I could see nothing, — the noise had ceased, and I resumed reading; but in a moment I heard the hoof-beat more distinctly, and applied myself again to the crevice. Judge of my astonishment, to behold at no great distance a woman well mounted, urging her steed rapidly towards my stockade, along the Indian trail. There was something so unreal in the thought that a woman should traverse this wilderness alone, I could not for a moment believe my senses. But there she was, coming at rapid rate, and, to all appearance, a very beautiful woman too. She rode along with the air of a queen; her riding-habit fitted closely to a magnificent bust, and fell in graceful folds over the flanks of her horse, which, though jaded with travel, seemed proud of his burden. Assisting her to alight, I invited her to a seat upon a box, spread with my blankets. It was the work of a moment to secure her horse, and hasten to her to learn the import of her wild errand.

"I need not say that my conduct on this occasion bordered somewhat upon the romantic. Indeed, how else than after the fashion of a cavalier or knight of eld could I, under the circumstances, approach a strange and beautiful lady, who had voluntarily, and without premonition on my part, placed herself so completely at my disposal? I felt all the delicacy of the situation, for I discovered at a glance that she was high of spirit, refined, and intelligent.

"'Tell me,' I inquired, 'where you came from, and why you are here. It must be a mission of more than ordinary purport that has caused you to brave the perils of a journey through this wild, unfrequented region.'

"Seemingly for the purpose of putting my curiosity to the rack, she evaded my question, and talked about the beauty of the scenery, the desolation of my home, and finally, picking up my books one after the other, she commenced scanning and rendering the liquid hexameters of Virgil with the grace and ease of an accomplished professor. Provoking as this caprice was, there was a charm about it, which led me soon to adopt the same playful humor.

"'It cannot be,' I said laughingly, 'that you have come here to marry me.'

"'No, indeed,' she replied, blushing and smiling at the same time. 'I need not have run so great a risk, if marriage had been my object.'

"'Well, then,' I rejoined, 'Madam or Miss, angel or spirit, or whatever you are, for the love of Heaven relieve me from this suspense, and tell me what brought you to my desolate cabin.'

"The earnest tone in which I asked the question elicited a serious reply.

"'I was born and reared in Boston, the only child of highly educated parents. My father was a merchant of wealth and position. I never knew a want unsupplied or a pleasure ungratified, that parental love could bestow in my childhood days. At school, I learned rapidly, outstripping my classmates, and receiving encomiums from my teacher. I was sent to a seminary, and graduated with signal honor. Exhibiting an early taste for music, vocal and instrumental, after my classical course was completed, I was placed under the instruction of the best professors. Just at this time, my father failed because of the misconduct of his partner, and was utterly ruined. Everything, even to the old homestead, was swept away by his creditors. My father, wounded in spirit and feeble in health, sunk under the blow, and died in a few months.

"'Never shall I forget the look of utter despair on the face of my dear mother, when we consigned my father to his last resting-place. It seemed as if her fountain of tears was exhausted, and her heart would break. She threw herself into my arms like a child, and looked up to me for counsel and protection. I, in turn, almost sinking beneath the care thus early cast upon me, looked up to the Great Father for aid, and became strong.

"'The California gold excitement had just reached the Atlantic coast. People everywhere were wild. I partook of the infatuation, and then determined to seek my fortune in that far-off land. My friends tried to dissuade me, but my purpose was fixed. Placing my mother in charge of a kind relative, where I knew she would be cared for, I sold my jewelry for money to meet the expenses of the journey, and sailed by way of the Isthmus, for San Francisco, where I arrived early in the summer of 1850.

"'There were but four American ladies in California when I arrived. I found myself alone, a stranger in a strange land; but, with courageous heart, pure purpose, judgment matured by experience, and a firm trust in God, I had no fears for success. I soon became familiar with the marvellous richness of the mines, the solitary life and many wants of the miners. My opportunity was apparent. Purchasing a small assortment of stationery, consisting chiefly of pens, ink, paper, envelopes, and postage stamps, I visited the various mining camps, selling my wares to the miners, writing letters for many whose hands were so stiffened that they could not guide a pen, and singing the simple ballads I had learned in the days of prosperity. They paid me generously, often an hundred-fold the value of their purchase. I was everywhere received and treated with a respect akin to idolatry, regarded, indeed, as a being almost supernatural. These noble-hearted men, remembering beloved ones they had left in the States, were so respectful, so kind, so attentive, it seemed that they could not do enough for me. Commencing thus, afar up in the Sierras, near Hangtown (Placerville), I visited all the mining regions, until I arrived at Yreka, a new camp, just then creating the wildest excitement.

"'I had now money enough to carry out the design nearest my heart, of going East, and returning with my mother to live at San Francisco. While at Yreka, I put up at the principal hotel, a half-finished house, with rooms separated by light board partitions, and crowded with the varieties of a thriving mining town.

"'One evening, after a day of more fatiguing labor than usual, I retired early, but could not sleep. While tossing upon the pillow, I heard two men enter the adjoining room, and engage in earnest conversation. I could hear distinctly every word they uttered, and the subject they were discussing very soon riveted my attention. They were planning a murder and robbery. In the midst of their conversation, another man entered, whom they saluted by the name of Boone Helm. He seemed to be their leader, for he proceeded at once to describe the home and surroundings of the intended victim, said he had been there and shared his hospitality for several weeks; spoke of the road leading there, the trail from the road to the house, and the distance of the large herd of cattle, and the ready sale for them at Yreka.

"'"We cannot," said he, "make more money in a shorter time, with greater ease, and less liability to detection, than to go there and dispose of the man and take his property."

"'They finally agreed that at a certain time the three should go in company, and execute their murderous design. I immediately determined to foil them in their bloody purpose, or lose my life in the attempt. I could not sleep; indeed, so nervously anxious was I to start on my errand of mercy, that I could hardly await the approach of morning. I arose early, made immediate preparation for departure, and before noon was in the saddle and on my way. I had no fear of Indians, simply because I believed God would take care of one engaged on a mission so pure and holy. I have ridden more than two hundred miles to warn you of your danger. Be on your guard. Make every preparation to defend yourself, for, as sure as the time comes, the men will be here to take your life. And now,' she concluded, 'bring my horse, and I will start on my return.'

"Language was inadequate to express my gratitude, or the admiration with which I regarded this noble act of humanity. I begged and insisted that my benefactress should remain, at least long enough for rest, but she refused. I then told her my own history, prepared a hasty meal, and asked her to favor me with a song. In the sweetest voice I thought I ever heard, she sung the Hunters' Chorus in 'Der Freyschutz:' then, springing to the saddle, she waved me a farewell, and in a few moments disappeared. So sudden had been her appearance and disappearance, so startling the warning she gave me, so wonderful her long and dreary ride, that it all seemed like a dream. I had never made a habit of prayer, but, influenced by the emotion of the moment, I dropped on my knees, and thanked God, in a fervent prayer, for this special manifestation of his Providence.

"The next day I made every needful preparation for defence, and calmly awaited the arrival of the ruffians. In the afternoon of the day my informant mentioned I saw them approaching, one, whom I recognized as Helm, half a mile or more in advance of the other two. I stood in the gate of my stockade, with my revolver in my belt, and as he approached me greeted him kindly, bade him enter, and closed and bolted the door behind him. As this had always been my custom, he did not notice it. I saw at once, by his subdued, churlish manner, and his crabbed style of address, that he was bent upon mischief. Hardly waiting for an exchange of common civilities, he said, —

"'Lend me your pistols. I am going on a perilous expedition.'

"'I cannot spare them,' I replied.

"'But you must spare them. I want them.'

"'I tell you, I cannot let you have them.'

"Flying into a passion, he with bitter oaths rejoined, —

"'I'll make you give 'em to me, or I'll kill you,' at the same time grasping his revolver.

"Before he could pull it from its scabbard, I had mine levelled with deadly aim at his head, and my finger on the trigger.

"'Make a single motion,' said I emphatically, 'and I will shoot you.'

"He quailed, for he saw I had the advantage of him. His comrades now approached the gate from without.

"'Break down the door,' he shouted, and, adding an opprobrious epithet, ordered them to kill me.

"Still holding my pistol level with his temple, I replied sternly, —

"'If they attempt such a movement, I will kill you instantly.'

"He knew me to be desperately in earnest, and, taking the hint, told them to go away. They obeyed.

"'Now, sir,' I persisted, still holding him under fire, 'unbuckle and drop your belt, pistol, and knife, and walk from there, so that I can get them.'

"He begged, but I was inexorable. He tried to throw me off my guard by referring pleasantly to our former acquaintance, and assuring me he was only jesting, and would not harm me for the world. I told him I had been warned of his coming and its object, and detailed with some particularity the conversation he had with his companions at the time they agreed upon the expedition. He stoutly denied it, and demanded the source of my information. Knowing that he was ignorantly superstitious, I gave him to understand that it was entirely providential. For a moment he seemed dumfounded, and, hardened as he was in crime, showed by his action that he believed it. I made him sit down, and kept him in range of my revolver all night, conversing with him, meantime, on such subjects as were best calculated to win his confidence. The night seemed a year in duration, but he told me his entire history — his birth, the errors of his early manhood, his first and only love, the illness and death of his betrothed, his resolution to lead a criminal life, his murder of Shoot, his escape, and many other murders that he afterwards committed, and of his intention to murder me and dispose of my cattle. I never heard or read a more horrible history than that narrated by this man of blood. He lost no opportunity to throw me off my guard, but I knew too well what would be the result. He was my prisoner, under absolute control, as long as his life was in my power.

"Morning came. Helm's companions were still lingering near the stockade. I ordered them to withdraw a certain distance, that I might with safety release my prisoner. I then opened the gate, and with my double-barrelled shot-gun levelled upon him, bade him go, assuring him that if we ever met again I would shoot him on sight. He marched out and away with his comrades. The next intelligence I received concerning him was the announcement of his execution by the righteous Vigilantes of Montana in 1854.

"I beg pardon, gentlemen, for detaining you so long. My story is done."

After a moment's silence one of our circle, a nervous, excitable young man, remarked, —

"We cannot consider the story completed until we know something more of the young lady. She is really the object of the most interest."

"Well, gentlemen," he resumed, "since you desire it, I will tell you all I know. Soon after Helm's departure, influenced by a desire to have the address of and see once more my benefactress, I drove my herd to Yreka, and sold it for a handsome sum. While there I searched diligently, but in vain, for my heroine. She had gone, and, as she had refused to give me her name, I found inquiry for her impracticable. I went to San Francisco, but no one could give me the least trace of her, and, after repeated disappointments, I gave up the search and returned to Oregon.

"Five years thereafter, business took me to Portland. While seated by the office stove, in conversation with some old friends, the clerk came and whispered that a young lady in the parlor wished to see me. Wondering who she could be, I hastened to the room, and there sat my friend of the wilderness. She gave me a cordial greeting, and to my numerous and eager inquiries, informed me in substance that soon after she left me and returned to Yreka, she went to Boston. After a year spent among old friends, she came back to San Francisco, accompanied by her mother. She purchased a neat residence there, and it was now her home. She had arrived in Oregon with some friends the day before on a pleasure excursion, but intended to return in a few days. We had a pleasant interview, and I bade her good-by."

"So you did not marry her, after all," was the eager remark of our young friend.

"No, gentlemen. Had I not been fortunately married some time before our last meeting, I cannot tell what might have happened; but as it was, I did not marry her after all, as you say."

CHAPTER XVII.

WHITE AND DORSETT.

PROSPECTING ON THE BIG BOULDER — JOHN WHITE AND RUDOLPH DORSETT — THEY FIND ONE KELLEY IN DISTRESS — ALL RETURN TO VIRGINIA CITY — PREPARATIONS FOR RETURNING TO THE BOULDER — KELLEY DELAYED — THE STOLEN MULE — DEPARTURE OF DORSETT — ANXIETY FOR HIS SAFETY — MEETING OF KELLEY BY A STRANGER — THOMPSON AND RUMSEY SET OUT IN SEARCH OF DORSETT AND WHITE — DISCOVERY OF THEIR BODIES — PURSUIT OF KELLEY — HE FLEES TO PORTLAND, ORE., THENCE TO SAN FRANCISCO — THOMPSON FOILED — KELLEY RETURNS TO PORTLAND — IN PORT NEUF CANON ROBBERY.

THE attachments formed between men, where the privileges and enjoyments of social life are confined to the monotonous round of a mining camp, are necessarily strong. The surroundings, which dictate great prudence in the choice of friends, where confidence is once established, are continually strengthening the ties that bind men to each other. Self-preservation and self-interest will furnish apologies for incompatibilities of temper in the mountains, which would sever friendships formed in less exposed communities. The sterling qualities of truth, honor, integrity, and kindness are sooner ascertained and more highly prized among miners than any other class. We have seen the operation of these principles in the instance of Beachy and Magruder, a very strong but not an exceptional case; this is another narrative of similar import.

Rudolph Dorsett arrived at Bannack with a party of miners from Colorado, in April, 1863. During the following summer, he, in company with John White, the discoverer of the Bannack mines, and a few others, left for the interior on a prospecting tour. The winter of 1863–64 found the little party near the head of Big Boulder creek, where they had made some promising discoveries. Being nearly out of provisions, White and Dorsett started on horseback for Deer Lodge, to obtain a fresh supply. At the head of Boulder, they came upon one Kelley and a comrade, who had made a camp there, and been detained several days by deep snows. They were literally "snowed in;" and, their food being exhausted, they had killed and were feeding upon one of their horses.

After supplying their immediate wants, White and Dorsett, discouraged by the gathering snows from any further effort to cross the main ridge, changed their course, and, taking the two men with them, started for Virginia City, where they arrived after three days of perilous travel. Kelley and his partner were entirely destitute. Their kind benefactors made known their condition to Henry Thompson and William Rumsey, and they paid their bills at a restaurant the two days succeeding their arrival; and other citizens of Virginia City, at Dorsett's solicitation, provided them with clothing. An arrangement was made for Kelley and his comrade to return with White and Dorsett to their camp; but, when the time came to leave, Kelley said that he had been promised a horse the next day, which he would get and overtake them. The three men departed without him, and, after a cold ride of several days, found their party camped on the upper water of Prickly Pear creek. They were all in excellent spirits, and supposed they had found a very prolific placer. Dorsett, true to the confidence reposed in him by his friends, Thompson and Rumsey, returned immediately to Virginia City, to apprise them of his good fortune, so that they might improve the earliest indications of a stampede, and secure a good interest in the placer mine. This is one of the rigid requirements of friendship in a mining region. No matter how distant the discovery may be, nor how difficult the journey, when a mine is found of any value, it is the duty of the discoverer, before disclosing it to the public, to notify his friends, that they may make sure of the best location. Indeed, in the early days of Montana, there were hundreds of old miners, experts in the business of prospecting, who, being unable to purchase "grub," were fully supplied with horses, food, and tools, upon the distinct understanding that they were to share with those who "outfitted" them in all their discoveries. Woe to the man who was base enough to violate this agreement! If he escaped lynching he never failed being driven from the country by the hisses and execrations of every "honest miner" in it. A scorpion whip was held

"By every honest hand,
To lash the rascal naked through the land."

During the night following the departure of White, Dorsett, and Kelley's partner from Virginia City, a mule belonging to William Hunt, and a horse owned by another citizen of Virginia City, were stolen. Dorsett was informed of this on his return, and, not having seen Kelley since his promise to overtake his party, he at once suspected him of the theft. The mule was a very fine animal, which Hunt had purchased of Dorsett in Colorado.

"If I find him," said Dorsett, as he mounted his horse to return to the mine, "I will recover and send him back to you."

The second day after this promise was made, while crossing the divide between White Tail and Boulder, Dorsett met Kelley in possession of the stolen animals. After a brief conversation, Dorsett asked,—

"Where did you get that fine mule, Kelley?"

"The man at Nevada, who promised me the horse I told you about, could not find him, and gave me the mule instead."

Not wishing to arouse Kelley's suspicion, Dorsett asked no more questions, but, with a friendly "good-by," rode on as rapidly as possible to his camp. He was informed that Kelley had been there, and had told the miners that some friend in Deer Lodge had sent him a written offer to furnish provisions and a good outfit for prospecting. He was going there immediately to accept it, and had bought both horse and mule for that purpose. When they were informed that the animals were stolen, White agreed to join Dorsett, and they started immediately in pursuit of the thief, thus furnishing another instance of the strength of that friendship which neither the freezing weather and mountain snows, nor long days of travel and long nights of exposure, could overcome. The single thought of serving a friend put to flight every consideration of personal comfort or convenience. They did not expect to be absent longer than three days at the most.

A week passed and nothing was heard from them. Dorsett had promised Thompson and Rumsey, when he left, that he would return to Virginia City in five or six days. Ten days expired without bringing any intelligence. Rumsey's fears were aroused for the safety of his friends. Being at Nevada on business, he mentioned incidentally this strange disappearance, and Stephen Holmes, a bystander, observed that, four days before, while at Deer Lodge, he had met Kelley with Dorsett's horse, revolver, Henry rifle, and cantinas, and that Kelley had told him he traded for them with a man at Boulder. With characteristic promptness, Rumsey replied to Holmes, —

"The men have been murdered by the scoundrel, and he is fleeing with their property."

To think, with such men as Thompson and Rumsey, was to act. No time was to be lost. Thoroughly equipped for a long pursuit, Thompson and a friend named Coburn started immediately upon the track of Kelley, and at the same time James Dorsett, brother of Rudolph, organized a party with which he went as rapidly as possible to the Boulder, in search of the missing men. This little party passed the first night at Coppock's ranche on the Jefferson. The next day, while passing through a hollow on the Boulder range, called Basin, they found tracks diverging from the road in the direction of White Tail Deer creek. They followed that stream nearly to the forks, when suddenly they saw, some distance before them, two men emerge from the thin forest of pines. They spurred their horses into a sharp run. The men turned at the sound and raised their guns, and stood upon the defensive. The approaching party, rifles in hand, drew nearer, and a conflict at long range seemed inevitable. Fortunately, at this moment, one of the two men recognized James Dorsett, and dropped his gun, and with friendly gestures rode toward him. Offensive demonstrations were soon followed by hearty greetings. The two men proved to be John Heffner and a comrade, who had just been searching in the willows for a suitable camping-ground for the night.

"I have found," said he, in a mournful tone, "what you are searching for. Rudolph Dorsett and John White have both been murdered, and their bodies are in the willows."

"My God!" exclaimed James, "my brother murdered!" and, bursting into tears, he followed Heffner into the clump.

"I came in here," said Heffner, "to pick up some wood for a camp-fire. This heap of coals and burned sticks attracted my attention. Thinks I, there's been campers here before. I looked around and caught a glance at the saddle. It startled me, for it seemed a very good one, and I thought it strange that any one would leave it here. I examined it narrowly, and, lifting it up, I beheld the dead face of John White. You may well believe I was frightened. On turning to call my partner, I almost stumbled over the corpse of your brother, which was covered with an overcoat. We had just completed our survey of the camp, and stepped out of the bushes to look up another camping-place, when we heard your horses."

On a close examination of the spot, appearances indicated that White and Dorsett, with Kelley as a prisoner, had arrived there either at a late hour, or without any provisions, as there was no evidence of cooking. They had tied their prisoner with twisted strips of blanket, pieces of which were found near, and, as they doubtless supposed, secured him for the night. A few fagots had been heaped up for a morning fire; and the theory of the murder advanced by the searching party was that, while White was on his knees kindling the fire, Kelley freed himself from his bonds, picked up White's revolver, and shot him twice in the back of the neck; then seizing his rifle, turned and shot Dorsett, who was gathering wood a little distance away, through the heart. An armful of wood lay scattered where he had fallen. His skull was beaten in pieces, a boulder lying near, bespattered with blood and brains, bearing gloomy testimony to the manner in which it was done. After this his body had been dragged some twenty steps from the spot where he fell, and stripped of its clothing, which the murderer had taken away with him, and wore the day that Holmes met him at Deer Lodge. White's body had also been removed, and the saddle placed over the face. The bodies were taken to Coppock's ranche, and thence to Virginia City for burial.

This was one of the earliest and most brutal tragedies in the newly discovered gold regions; and, happening when they were populated mostly by Eastern people, and before Plummer and his band of ruffians had been arrested in their grand scheme of wholesale slaughter, it produced a profound sensation throughout the country. The desire to capture and make a public example of the ruffian who had committed the shocking crime was universal. All eyes were turned to the pursuit of Kelley by Thompson and Coburn, and all ears open to catch the first tidings of its success. These men were beyond the reach of information of the discovery of the bodies at the time it was made, but they had found evidence by the way, which convinced them that their friends had been assassinated. At Deer Lodge a pistol which Kelley had sold was identified by Thompson as the property of Dorsett, and his initials, R. R. D., were graven on the handle. They pushed the pursuit to Hell Gate, procuring two relays in Deer Lodge valley. Finding that the deep snows rendered the Cœur D'Alene mountains impassable, they turned back to take the route into Oregon, by Jocko and Pend d'Oreille lakes. Between Frenchtown and Hell Gate they met an Indian with Dorsett's saddle, which Thompson took from him. Forty miles below Jocko, they reclaimed the horse from a little band of Indians who had traded for it with Kelley. Proceeding on towards the Pacific, they met a company of miners, who had met Kelley fifteen days before, on his way to Lewiston.

The men pursued their journey, following the devious windings of Clarke's Fork to its junction with the Snake river, and thence on to Lewiston, — a tract of country at that time more disastrous for winter travel than perhaps any other equal portion of the continent. There were no roads, and the solitary Indian trail leading over the mountains, through cañons, and across large rivers, for much of the distance was obscured by snow, and in many places difficult and dangerous of passage. Had their object been anything less than to avenge the death of their friend, they would have turned back, and consoled themselves with the reflection that it was not worth the risk and exposure needful to win it; but, with that in view, they welcomed privation and danger while a single hope remained of its accomplishment.

At Lewiston, Coburn remained on the lookout, while Thompson continued the pursuit farther west. At the hotel in Walla Walla, Thompson found Kelley's name upon the register. He learned, on inquiring of the clerk, that he had told him he came from the Beaverhead mines. The barber who shaved him, remembered him, because he paid him an extra price for the service. Kelley had purchased a new suit of clothes, of which Thompson procured a sample. With these clews Thompson hastened to Portland, and ascertained that Kelley had spent nine days there, and left by steamer for San Francisco. In fact, on the day that Thompson arrived at Portland, Kelley entered the harbor of San Francisco. Thompson telegraphed the chief of police to arrest and detain him until he arrived. He had taken the precaution to obtain requisitions from the Governor of Idaho on the Governors of Oregon, California, and Washington, and a commission as special deputy United States marshal.

Chief Burke, on receipt of the telegram, called at the hotel where Kelley had taken quarters, and, not finding him, gave no further attention to the matter. Learning on his return that he had been inquired after, Kelley, suspicious of the object, left the city at once, taking with him an overcoat and pistol belonging to a fellow boarder. Thompson found, on his arrival at San Francisco, that the bird had flown, but in what direction he was unable to ascertain. After spending some time in fruitless inquiry, he returned home with nothing better than his labor for his pains. It was a sore disappointment, but none the less demonstrative as an illustration of personal devotion and attachment.

Kelley returned to Portland, and soon disappeared from public view. Thompson was constantly on the lookout for him, and in 1864 heard of him as a participant in a robbery committed in Port Neuf cañon. It was ascertained that after the robbery Kelley went to Denver, where he was known by the name of Childs. He remained there several months. Thompson heard of his being there, and sent a man to identify him. Kelley took the alarm, and left immediately by the Oregon route for Mexico. Thompson wrote to a friend in Prescott to arrest him *en route*, but the letter arrived too late, as the rascal had passed through the town several days before. If living, he is still at large; but there is no corner of the globe where Thompson would not follow him, were he certain that the journey would effect his arrest.

CHAPTER XVIII.

LANGFORD PEEL.

SUFFERING IN KANSAS IN THE WINTER OF 1856 — PEEL'S KINDNESS TO CONLEY AND RUCKER — THEIR INGRATITUDE — PEEL'S DESTITUTION — ROBINSON'S GENEROSITY — DEATH OF RUCKER — PEEL WOUNDED — THREATENED WITH DEATH — ESCAPES TO CALIFORNIA — DOWNWARD CAREER — ARRIVES AT CARSON CITY — PRIZE FIGHT AND DEATH OF MUCHACHO — PEEL FIGHTS DICK PADDOCK — KILLS EL DORADO JOHNNY IN A FIGHT — PRINCIPLES OF THE ROUGHS — PEEL SUFFERS LANNAN TO ARREST HIM — CHARACTER OF NEVADA ROUGHS — FIGHT BETWEEN BARNHARDT AND PEASLEY — BOTH KILLED — CHARACTER OF PEASLEY — PEEL LEAVES NEVADA — GOES TO SALT LAKE, AND THENCE TO HELENA — QUARREL WITH JOHN BULL — IS KILLED BY HIM — INSCRIPTION ON HIS TOMBSTONE.

PEOPLE who were living in the West in 1856, well remember the terrible winter of that year, and the suffering it occasioned among the poorer classes. Severity of weather, scarcity of provisions, and the high price of fuel, following hard upon a season of uncommon distress and disaster in all kinds of business, necessarily brought starvation and suffering to a large floating population, which had gathered into the little towns and settlements along the Missouri border. This was especially the case in the settlements of Kansas, which, by their supposed opportunities for profitable investment and occupation, had attracted a large emigration from other parts of the Union. Langford Peel was at this time a prosperous citizen of Leavenworth. Moved to compassion by the sufferings of those around him, he contributed generously to their relief. Among others who shared liberally of his bounty were Messrs. Conley and Rucker, two men whom he found in a state of complete destitution, and invited to his house, where they were comfortably provided for until spring, and then aided with means to return to their friends.

Of Peel's antecedents, previous to this time, I know nothing. He was regarded as one of those strange compounds who unite in their character the extremes of recklessness and kindness. In his general conduct there was more to approve than condemn, though his fearless manner, his habits of life, and his occupation as a gambler, gave him a doubtful reputation. Among people of his own class he was specially attractive, because of his great physical strength, manly proportions, undoubted bravery, and overflowing kindness. To these qualities he added a repose of manner that gave him unbounded influence in his sphere. No man was more prompt to make the cause of a friend his own, to resent an injury, or punish an insult. His dexterity with the revolver was as marvellous as the ready use he made of it when provoked. His qualifications as a rough and ready borderer bespoke a foreground in his life, of much exposure and practice.

The year 1858 found him in Salt Lake City, in reduced circumstances. As if to mark this reverse with peculiar emphasis, Conley and Rucker, the sharers of his bounty two years before, were also there engaged in prosperous business. They had seemingly forgotten their old benefactor, and treated him with coldness and neglect. Peel was an entire stranger to all save them, and felt bitterly their ingratitude.

A citizen by the name of Robinson, who had been attracted by the manly figure of Peel, observed him, a few days after his arrival, seated upon a log in the rear of the Salt Lake House, apparently in deep study. Calling his partner to the door, he inquired if he knew him.

"His name is Peel, I have been told," was the reply.

"He is in trouble."

"Yes, he's got no money, and is a stranger."

"Do you know him?"

"No, I never spoke to him. I only know he's in distress, destitute, and has no friends. He's the man who took care of a lot of boys that were dead broke, that hard winter at Leavenworth."

"He is? If I didn't think he'd take it as an insult, I'd go out and offer him some money."

Later in the day, Peel entered Robinson's room, and approaching Conley, who was seated in the "lookout seat," near a table where a game of faro was progressing, said to him, —

"Dave, I wish you'd lend me twenty-five dollars?"

"I'll not do it," replied Conley.

"Why?"

"I've no money to loan."

"I don't consider it a loan," said Peel, looking steadfastly at Conley. Then, as if influenced by a recollection of his own kindness to the man who refused him, he exclaimed, "Great God! is it possible that there is not a man in the country who will lend me twenty-five dollars?"

Robinson, who was seated by the table drawer, now drew it out, and, grasping a handful of coin, threw it eagerly upon the table.

"Here," said he, "Mr. Peel, I'll loan you twenty-five dollars, or as much more as you want. You're entirely welcome to it."

Peel turned, and fixing upon Robinson a look of mingled surprise and gratitude, responded, "Sir, you're a stranger to me. We never spoke together before, but I will gratefully accept your kindness, and thank you. All I want is twenty-five dollars, and I'll pay you as soon as I can." He then picked up five half-eagles, and placed them in the palm of his hand.

"Take more, Peel," said Robinson. "Take a hundred, or whatever you want."

"No, this is all I want;" then, fixing his gaze upon Conley, whose face was red and swollen with anger, he seized the "case keeper" used for marking the game, and hurled it violently at his head. Conley dodged, and the only effect of the act was a deep indentation in the adobe wall. Conley sprung from his seat and ran out of the building. Peel drew his revolver with the intention of pursuing, but Robinson, seizing his arm, said,—

"Stay your hand, Peel. For God's sake, don't make any disturbance."

Peel sheathed his pistol at the moment, and, taking Robinson by the hand, replied, "No; you must excuse me. I beg a thousand pardons, but I was very angry. You're the only friend I have in this country. Conley has treated me like a dog. All of 'em have. I have fed them for weeks in my own house, when they had nothing to eat. My wife has cooked, and washed and ironed their clothes for them, and this is the return I get for it."

He then started to leave, but, as if suddenly reminded that he had neglected to say something, he returned; and while the tears, which he vainly tried to suppress, were streaming down his cheeks, he said, —

"I'll certainly repay this money. I would rather die than wrong you out of it."

He had been gone about twenty minutes when shots were heard.

"I reckon," said Robinson, starting for the door, "that Peel has killed Conley."

All followed, but they found that the exchange of shots was between Peel and Rucker, the latter the proprietor of a faro bank on Commercial Street, where Peel had gone and staked his money on the turn of a card.

Rucker, perceiving it, pushed the money away, remarking, in a contemptuous tone, —

"I don't want your game."

Smarting under the insult conveyed in these words, Peel raised a chair to hit Rucker on the head. Rucker fled through the rear door of the building, and entered Miller's store adjoining, the back stairs of which he hurriedly ascended, drawing his revolver by the way. Peel soon after went into the store by the front door, and inquired for Miller, who was absent. Sauntering to the rear of the apartment, which was but dimly lighted, he came suddenly upon Rucker, who had just descended the stairs, and, with revolver in hand, was waiting his approach.

"What do you want of me?" inquired Rucker, thrusting his pistol against Peel's side.

"Great God!" was Peel's instant exclamation, drawing and cocking his pistol with lightning rapidity. Their simultaneous fire gave but a single report, and both fell, emptying their pistols after they were down. Peel was wounded in the thigh, through the cheek, and in the shoulder. Rucker, hit every time, was mortally wounded, and died in a few moments. Peel was conveyed to the Salt Lake House, where his wounds received care.

Miller was clamorous for Peel's arrest, and the city police favored his execution, but the sympathies of the people were with him. He had many friends, who assured him of protection from violence, and kept his enemies in ignorance of his condition until such time as he could be removed to a place of concealment. This project was intrusted to a Mormon dignitary of high standing in the church, who was paid forty-five dollars for the service. He conveyed Peel to a sequestered hut twelve miles distant from the city, on the Jordan road, and with undue haste provided him with female apparel and a fast horse, to facilitate his escape from the country. His wounds were too severe, and he was obliged to return to the shelter of the hut, near which Miller discovered him a few days afterwards, while walking for exercise. Miller disclosed his discovery to the police, boasting, meantime, of what he had done in so public a manner, that the friends of Peel, hearing it, speedily provided for his protection. Close upon the heels of the policemen who had gone to arrest Peel they sent the wily Mormon, with instructions to convey him to a place of safety. The night was dark, and the rain froze into sleet as it fell. The policemen stopped at a wayside inn to warm and refresh themselves, and were passed by the Mormon, who, dreading the vengeance which would visit him in case of failure, urged his horse into a run, and arrived in time to conduct Peel to Johnson's ranche, where he was secreted for several weeks. As soon as he was able, he made the journey on horseback to California, by the southern route, passing through San Bernardino and Los Angeles. Large rewards were offered for his arrest, but his friends, believing him to be the victim of ingratitude, would not betray him.

The death of Rucker lay heavy on the conscience of Peel, and from the moment of his arrival on the Pacific coast, his downward career was very rapid. He associated only with gamblers and roughs, among whom the height of his ambition was to be an acknowledged chief. He was a bold man who dared to dispute the claim to this title with him, for usually he did not escape without disputing on the spot his higher title to life. Expert in pistol practice, desperate in character, Peel was never more at home than in an affray. His wanderings at length took him to Carson City, in Nevada, where his shooting exploits, and their bloody character, form a chapter in the early history of the place. It is told of him by his associates, as a mark of singular magnanimity, that he scorned all advantage of an adversary, and, under the bitterest provocation, would not attack him until satisfied that he was armed. His loyalty to this principle, as we shall see hereafter, cost him his life.

From many incidents related of the reckless life led by Peel while in Nevada, we select one, as especially illustrative. A prize fight between Tom Daly, a noted pugilist, and Billy Maguire, better known as the "Dry Dock Chicken," was planned by the roughs of Virginia City. It was intended to be a "put-up job." By the delivery of a foul blow, Maguire was to be the loser. The referee and umpire were privy to the arrangement, and were to decide accordingly. A great number of sports were in attendance. At the stage of progress in the fight agreed upon, Maguire struck his antagonist the exceptionable blow. The expected decision was given; but Izzy Lazarus, and other men familiar with the rules of the ring, said that it was not foul. One of the initiated, named Muchacho, disputed the question with Lazarus, who gave him the lie. Drawing his pistol, he brought it to an aim, so as to clear the inner ring, and shouting, "Look out!" fired and hit Lazarus in the breast. Lazarus refrained from firing lest he should hit others, but approached Muchacho, who fired again, wounding his pistol hand. Quick as thought, Lazarus seized his pistol in the left hand, and fired, killing Muchacho in his tracks.

The row now became general, and pistol shots were fired in all parts of the crowd. No others were killed, but many were severely wounded, and such was the confusion during the *mêlée* that the fatal shot of Lazarus escaped observation. Many were the conjectures on the subject, but suspicion seemed to fasten upon Lazarus. Dick Paddock, a friend of his, being in Robinson's saloon a few days after the affray, boldly avowed that he fired it. Peel overheard him, and, after informing him that Muchacho was his friend, challenged him to a fight on the spot. Both men stepped outside the saloon, took their positions, and commenced firing. Peel wounded Paddock three times, escaping unharmed himself, and the combat closed without any fatal consequences. "El Dorado Johnny" renewed the quarrel, for the double purpose of avenging Paddock and establishing a claim as chief. The next day, while walking up street, he addressed the following inquiry to Pat Lannan, who was standing in the door of his saloon, —

"Pat, what sort of a corpse do you think I'd make?"

"You don't look much like a corpse now, Johnny," replied Lannan, laughing.

"Well, I'm bound to be a corpse or a gentleman in less than five minutes," replied Johnny, passing on.

Carefully scrutinizing the inmates of each saloon as he came to it, Johnny soon saw the object of his search pass out of Pat Robinson's, a few rods ahead of him. Walking rapidly back, he turned and faced him, and, half drawing his pistol, said, —

"Peel, I'm chief."

"You're a liar," rejoined Peel, drawing his pistol, and killing Johnny instantly. The words here recorded were all that passed at the encounter. Johnny had his pistol half drawn, but Peel's superior dexterity overcame the advantage. Peel was tried and acquitted.

As no member of the company of roughs was braver than Peel, so none was more observant of the rules and principles by which they was governed. In all their relations to each other, whether friendly or hostile, any violation of a frank and manly course was severely censured, and often punished. A person guilty of any meanness, great or small, lost caste at once. If by any undue advantage, life or property was taken, the guilty person was visited with prompt retribution. Often, in the young communities which sprung up in the mining regions, prominent roughs were elected to positions in the court service. It was deemed a disgrace to suffer an arrest by an officer of this character, and with Peel it was an every-day boast that he would die sooner than submit to any such authority.

On one occasion, while under the excitement of liquor, being threatened with arrest, he became uncommonly uproarious. A row was threatened, and Peel in a boisterous manner was repeating, with much expletive emphasis, "No man that ever packed a star in this city can arrest me."

Patrick Lannan, above referred to, had just been elected as policeman. He had never been connected with the roughs, and was highly respected as a peaceable, law-abiding citizen. On being informed that there was a man down the street stirring up an excitement, he rushed to the scene, and, elbowing his way through the crowd, confronted Peel. Like the hunter who mistook a grizzly for a milder type of the ursine genus, he felt that this was not the game he was after, but he had gone too far to recede. The arrest must be effected.

"No man," repeated Peel, with an oath, "that ever packed a star in this city can arrest me."

Perceiving Lannan standing near, he instantly added, —

"I'll take that back. You can arrest me, Pat, for you're no fighting man. You're a gentleman," and suiting the action to the word, with a graceful bow, he surrendered his pistol to Lannan, and submitted quietly to be led away.

To the credit of the roughs of Nevada be it stated, that there were few highwayman, thieves, or robbers among them. Few, except those who were ready to decide their quarrels with the revolver, were killed. The villanous element had been sifted from their midst at the time of the hegira to the northern mines. Those who remained had no sympathy with it. It is not to be denied, however, that they were men of extraordinary nerve, and as a general thing so tenacious of life, that, often, the first to receive a mortal wound in a fight was successful in slaying his antagonist. Indeed, so frequently was this the case, that it operated as a restraint, oftentimes, to a projected combat. Peel belonged to the class who were held in fear by tamer spirits for their supposed hold upon life. The reader will pardon a digression, for the better illustration it affords of this prevalent apprehension.

One of the most memorable fights in Nevada took place between Martin Barnhardt and Thomas Peasley. Peasley was a man of striking presence and fine ability. He had been sergeant-at-arms in the Nevada Assembly. In a quarrel with Barnhardt at Carson City, he had been wounded in the arm. Both Barnhardt and Peasley claimed to be "chief," — always a sufficient cause of quarrel between men of their stamp. Meeting Peasley one day after the fight, Barnhardt tauntingly asked him if he was as good a man then as he was at Carson.

"This," replied Peasley, "is neither the time nor place to test that question."

Soon afterwards, while Peasley was seated in the office of the Ormsby House in Carson, engaged in conversation with some friends, Barnhardt entered, and approaching him asked, —

"Are you heeled?"

"For Heaven's sake," rejoined Peasley, "are you always spoiling for a fight?"

"Yes," cried Barnhardt, and without further notice fired his revolver. The ball passed through Peasley's heart. Seeing that he had inflicted a fatal wound, Barnhardt fled to the washroom, closing the windowed door after him. Peasley rose and staggered to the door. Thrusting his pistol through the sash, he fired and killed Barnhardt instantly. Falling back in the arms of his friends, they laid him upon a billiard table.

"Is Barnhardt dead?" he whispered, as life was ebbing.

"He is," was the ready answer given by half a dozen sorrowing friends.

"'Tis well. Pull my boots off, and send for my brother Andy," and with the words on his lips he expired.

Peasley was supposed to be the original of Mark Twain's "Buck Fanshaw." He was a man of the highest degree of honor, and, if his talents had been properly directed, would have distinguished himself.

I resume the history of Peel, at the point of his departure from Nevada. He left in 1867, in company with one John Bull as a partner. They quarrelled by the way and dissolved partnership, but on arriving at Salt Lake, became reconciled, and started for Helena, Montana, where Bull arrived some weeks in advance. When Peel arrived, Bull had gone to examine the mines at Indian Creek. Returning soon after, his account was so favorable, that Peel concluded to go there at once. He came back in a week thoroughly disgusted, and very angry at Bull, whom he accused of misrepresentation and falsehood. Bull explained, and they parted seeming friends, but Peel's anger was not appeased. Meeting Bull some days after, he renewed the quarrel at Hurley and Chase's saloon. Oaths and epithets were freely exchanged; and Peel seized, and was in the act of drawing, his pistol.

"I am not heeled," said Bull, on discovering his design.

"Go, then, and heel yourself," said Peel, slapping him in the face.

Bull started, saying as he went, —

"Peel, I'll come back, sure."

"When you come," replied Peel, "come fighting."

Bull went out and armed himself. While returning, he met William Knowlden, to whom he related the circumstances of the quarrel, and told him what disposition to make of his effects in case he was killed. Passing on, he met Peel coming out of the saloon, and fired three shots before Peel could draw his revolver. Each shot took effect, one in the neck, one in the face, and a third in the left breast. Peel fell and died without uttering a word. It was the general opinion that he was treated unfairly. Bull was indicted, tried, and his conviction failed by disagreement of the jury, which stood nine for acquittal, and three for a verdict of guilty. He left the country soon after.

On a plain slab in the graveyard at Helena is the following inscription: —

SACRED
TO THE
MEMORY OF
LANGFORD PEEL.
BORN IN
LIVERPOOL.
DIED
JULY 23, 1867,
AGED
36 YEARS.

IN LIFE, BELOVED BY HIS FRIENDS, AND RESPECTED BY
HIS ENEMIES.

VENGEANCE IS MINE, SAITH THE LORD.
I KNOW THAT MY REDEEMER LIVETH.
ERECTED BY A FRIEND.

I was curious to learn what suggested the last two scriptural quotations, and found that the friend had the idea that, as Peel did not have fair play, the Lord would avenge his death in some signal manner. The other sentence was thought to properly express the idea that the man was living who would redeem Peel's name from whatever obloquy might attach to it, because of his having "died with his boots on." Could there be a more strange interpretation of the scriptures?

CHAPTER XIX.

JOSEPH A. SLADE.

Overland Stage Route — Desperate Employes — Jules Reni — Jules shoots Slade — Slade resolves to kill Jules — Carries his Resolve into Effect — Comes to Virginia City — Quarrel with the Writer — Encounter with Bob Scott — Lawlessness in Virginia City — Threatens the Life of Judge Davis — Vigilantes assemble — Arrest of Slade — His Execution.

Good men who were intimate with Joseph A. Slade before he went to Montana gave him credit for possessing many excellent qualities. He is first heard of outside of his native village of Carlisle, in the State of Illinois, as a volunteer in the war with Mexico, in a company commanded by Captain Killman. This officer, no less distinguished for success in reconnoitre, strategy, and surprise, than service on the field of battle, selected from his regiment for this dangerous enterprise, twelve men of unquestioned daring and energy. Slade was among the number. A comrade of his during this period bears testimony to his efficiency, which he said always won the approbation of his commander. How or where his life was passed after the close of the war, and until he was intrusted with the care of one of the divisions of the Great Overland Stage route in 1859, I have no knowledge. This position was full of varied responsibility. His capabilities were equal to it. No more exalted tribute can be paid to his character than to say that he organized, managed, and controlled for several years, acceptably to the public, to the company, and to the employes of the company, the great central division of the overland stage route, through six hundred miles of territory destitute of inhabitants and law, exposed for the entire distance to hostile Indians, and overrun with a wild, reckless class of freebooters, who maintained their infamous assumptions with the pistol and bowie knife. No man without a peculiar fitness for such a position could have done this.

Stealing the horses of the stage company was a common crime. The loss of the property was small in comparison with the expense and embarrassment of delaying the coach, and breaking up the regularity of the trips. If Slade caused some of the rascals engaged in this business to be hanged, it was in strict conformity to the public sentiment, which in all new countries regards horse-stealing as a capital offence. Nothing but fear could restrain their passion for this guilty pursuit. Certain it is, that Slade's name soon became a terror to all evil-doers along the road. Depredations of all kinds were less frequent, and whenever one of any magnitude was committed, Slade's men were early on the track of the perpetrators, and seldom failed to capture and punish them.

The power he exercised as a division agent was despotic. It was necessary for the service in which he was employed that it should be so. Doubtless, he caused the death of many bad men, but he has often been heard to say, that he never killed but one himself. It was a common thing with him, if a man refused to obey him, to force obedience with a drawn pistol. How else could he do it, in a country where there was no law?

In the purchases which he made of the ranchemen he sometimes detected their dishonest tricks, and generally punished them on the spot. On one occasion, while bargaining for a stack of hay, he discovered that it was filled with bushes. He told the rancheman that he intended to confine him to the stack with chains, and burn him, and commenced making preparations, seemingly for that purpose. The man begged for his life, and, with much apparent reluctance, Slade finally told him if he would leave the country and never return to it he would give him his life. Glad of the compromise the fellow departed the next morning. This was all that Slade desired.

Stories like these grate harshly upon the ears of people who have always lived in civilized communities. Without considering the influences by which he is surrounded, this class pronounce such a man a ruffian. An author who writes of him finds it no task to blacken his memory, by telling half the truth. People who have once heard of him are prepared to believe any report which connects his name with crime. Wrong as this is on general principles, it has been especially severe in the case of Slade. Misrepresentation and abuse have given to him the proportions, passions, and actions of a demon. His name has become a synonym for all that is infamous and cruel in human character. And yet not one of all the great number of men he controlled, or of those associated with him as employes of the overland stage company, men personally cognizant of his career, believe that he committed a single act not justified by the circumstances provoking it.

He could not be true to his employers and escape censure, any more than he could have discharged the duties expected of him without frequent and dangerous collision with the rough elements of the society in which he moved. That he lived through it all was a miracle. A man of weaker resolution, and less fertility of resource, would have been killed before the close of his first year's service. Equally strange is it, that one whose daily business required a continual exercise of power in so many and varied forms, at one moment among his own employes, at the next among the half-civilized borderers by whom he was surrounded, and perhaps at the same time sending out men in pursuit of horse thieves, should have escaped with so few desperate and bloody encounters.

The uniform testimony of those who knew him is, that he was rigidly honest and faithful. He exacted these qualities from those in his employ. Among gentlemen he was a gentleman always. He had no bad habits. Men who were brought in daily contact with him, during his period of service, say that they never saw him affected by liquor. He was generous, warmly attached to his friends, and happy in his family. He was of a lively, cheerful temperament, full of anecdote and wit, a pleasant companion, whose personal magnetism attached his friends to him with hooks of steel.

Many jarring and discordant incidents disfigured this flattering foreground in Slade's border life, but there was only one which gave it a sanguine hue. That in all its parts, and from the very first, has been so tortured and perverted in the telling, that persons perfectly familiar with all its details do not hesitate to pronounce every published version a falsehood. I have the narrative from truthful men, personally familiar with all the facts.

Among the ranchemen with whom Slade early commenced to deal was one Jules Reni, a Canadian Frenchman. He was a representative man of his class, and that class embraced nearly all the people scattered along the road. They regarded him as their leader and adviser, and he was proud of the position. He espoused their quarrels with outsiders, and reconciled all differences occurring among themselves. In this way, he exercised the power of a chief over the class, and maintained a rustic dignity, which commanded respect within the sphere of its influence. Jules and Slade had frequent collisions, which generally originated in some real or supposed encroachment by the latter upon the dignity or importance of the former. They always arose from trivial causes, and were forgotten by Slade as soon as over; but Jules treasured them up until the account against his rival became too heavy to be borne. A serious quarrel, in which threats were exchanged, was the consequence. If Slade had treasured up any vicious memory of this difficulty, no evidence of it was apparent when he afterwards met Jules. They accosted each other with usual courtesy, and soon fell into a friendly conversation, in which others standing by participated. Both were seated at the time on the fence fronting the station. At length Jules left and entered his house, and a moment afterwards Slade followed. Slade was unarmed. He had gone but a few rods, when one of the men he had just left, in a tone of alarm, cried to him, —

"Look out, Slade, Jules is going to shoot you!"

As Slade turned to obey the summons, he received the bullet from Jules's revolver. Five shots from the pistol were fired in instant succession, and then Jules, who was standing in the door of his cabin, took a shot-gun which was within reach, and emptied its contents into the body of Slade, who was facing him when he fell. Slade was carried into the station, and placed in a bunk, with bullets and buck-shot to the number of thirteen lodged in his person. No one who witnessed the attack supposed he could survive an hour. Jules was so well satisfied that he was slain, that in a short time afterwards he said to some person near, in the hearing of Slade, "When he is dead, you can put him in one of these dry-goods boxes, and bury him."

Slade rose in his bunk, and glaring out upon Jules, who was standing in front of the station, exclaimed with an oath, "I shall live long enough to wear one of your ears on my watch-guard. You needn't trouble yourself about my burial."

In the midst of the excitement occasioned by the shooting, the overland coach arrived, bringing the superintendent of the road. Finding Slade writhing in mortal agony, he, on hearing the nature of the assault, caused Jules to be arrested, and improvised a scaffold for his immediate execution. Three times was Jules drawn up by willing hands and strangled until he was black in the face. On letting him down the last time, the superintendent, upon his promise to leave the country, ordered his release. He left immediately.

Slade lingered for several weeks at the station, and finally went to St. Louis for treatment. As soon as he was sufficiently recovered, he returned to his division, with eight remaining bullets in his body. The only sentiment of all, except the personal friends of Jules, was, that this attack upon Slade, as brutal as it was unprovoked, should be avenged. Slade must improve the first opportunity to kill Jules. This was deemed right and just. In no other way could he, in the parlance of the country, get even with him. Slade determined to kill Jules upon sight, but not to go out of his way to meet him. Indeed, he sent him word to that effect, and warned him against a return to his division.

Jules, in the mean time, had been buying and selling cattle in some parts of Colorado. Soon after Slade's return to his division, Jules followed, for the ostensible purpose of getting some cattle that he owned, which were running at large; but his real object, as he everywhere boasted on his journey, was to kill Slade. This threat was circulated far and wide through the country, coupled with the announcement that Jules was on his return to the division to carry it into speedy execution. He exhibited a pistol of a peculiar pattern, as the instrument designed for Slade's destruction.

Slade first heard of Jules's approach and threat at Pacific Springs, the west end of his division, just as he was about leaving to return to Julesburg. At every station on that long route of six hundred miles, he was warned by different persons of the bloody purpose which Jules was returning to accomplish. Knowing the desperate character of the man with whom he had to deal, and that the threats he had made were serious, Slade resolved to counsel with the officers in command at Fort Laramie, and follow their advice. On his arrival at that post he laid the subject before them. They were perfectly familiar with former difficulties between Slade and Jules, and the treacherous attack of the latter upon the former. They advised him to secure the person of Jules, and kill him. Unless he did so, the chances were he would be killed himself; and in any event, there could be no peace on his division while Jules lived; as he was evidently determined to shoot him on sight. Slade had been informed that Jules had passed the preceding night at Bordeaux's ranche, a stage station about twelve miles distant from the fort, and had repeated his threats, exhibited his pistol, and declared his intention of lying in wait at some point on the road until Slade should appear.

When Slade was told of this, he hesitated no longer to follow the advice he had received. Four men were sent on horseback in advance of him to capture Jules and disarm him. Soon after they left, Slade, in company with a friend, followed in the coach. Jules had left Bordeaux's before his arrival, but the story of the threats he had uttered there, were confirmed by Bordeaux, who, when the coach departed, took a seat in it, carrying with him a small armory of guns and pistols. It was apparent that the old man, whose interest was with the winner in the fight, whichever he might be, was prepared to embrace his cause, in case of after disturbance.

As the coach approached the next station, at Chansau's ranche, with Slade as the driver, two of the four men sent to secure Jules were seen riding towards it at a spanking pace. Slade and his friends at once concluded that they had failed in their designs, but the shouts of the men who swung their hats as they passed the coach re-assured them, and Slade drove rapidly up in front of the station. Jumping from the box, he walked hurriedly to the door. There were several persons standing near, all, as was customary, armed with pistol and knife. Slade drew the pistol from the belt of one standing in the doorway, and glancing hastily to see that it was loaded, said, — "I want this." He then came out, and at a rapid stride went to the corral in rear of the station where Jules was a prisoner. As soon as he came in sight of him, he fired his pistol, intending to hit him between the eyes, but he had aimed too low, and the ball struck him in the mouth, and glanced off without causing material injury. Jules fell upon his back, and simulated the mortal agony so well, that for a few moments the people supposed the wound was fatal. Slade discovered the deception at a glance.

"I have not hurt you," said he, "and no deception is necessary. I have determined to kill you, but having failed in this shot, I will now, if you wish it, give you time to make your will."

Jules replied that he should like to do so; and a gentleman who was awaiting the departure of the coach, volunteered to draw it up for him. The inconvenience of walking back and forth from the corral to the station, through the single entrance in front of the latter, made this a protracted service. The will was finally completed and read to Jules. He expressed himself satisfied with it, and the drawer of it went to the station to get a pen and ink, with which he could sign it. When he returned a moment afterwards, Jules was dead. Slade had shot him in the head during that temporary absence.

Slade went to Fort Laramie and surrendered himself a prisoner to the officer in command. Military authority was the only law of the country, and though this action of Slade may have a farcical appearance when taken in consideration with the circumstances preceding it, yet it was all that he could do to signify his desire for an investigation. The officers of the fort, familiar with all the facts, discharged him, with their unanimous approval of the course he had pursued. The French friends of Jules never harmed him. The whole subject was carefully investigated by the stage company, which, as the best evidence it could give of approval, continued Slade in its employ.

This is the history of the quarrel between Slade and Jules Reni, as I have received it from a gentleman familiar with all its phases from its commencement to its close. The aggravated form in which the narrative has been laid before the public, charging Slade with having tied his victim to a tree, and firing at him at different times during the day, taunting him meantime, and subjecting him to a great variety of torture, before killing him, is false in every particular. Jules was not only the first, but the most constant aggressor. In a community favored with laws and an organized police, Slade would not have been justified in the course he pursued, yet, under our most favored institutions, more flagrant cases than this daily escape conviction. In the situation he accepted, an active business man, intrusted with duties which required constant exposure of his person both night and day, what else could he do, to save his own life, than kill the person who threatened and sought an opportunity to take it? Law would not protect him. The promise which Jules had made with the halter about his neck, to leave the country, did not prevent his return to avenge himself upon Slade. It was impossible to avoid a collision with him; and to kill him under such circumstances, was as clear an act of self-defence, as if, in a civilized community, he had been slain by his adversary with his pistol at his heart.

Slade's career, relieved from the infamy of this transaction, presents no feature for severe public condemnation, until several years after its occurrence. He retained his position as division agent, discharging his duties acceptably, and was, in fact, regarded by the company as their most efficient man. When the route was changed from Laramie to the Cherokee Trail, he removed his headquarters to a beautiful nook in the Black Hills, which he named Virginia Dale, after his wife, whom he loved fondly.

His position as division agent often involved him unavoidably in difficulty withranchemen and saloon-keepers. At one time, after the violation of a second request to sell no liquor to his employes, Slade riddled a wayside saloon, and poured the liquor into the street. On another occasion, seemingly without provocation, he and his men took possession of the sutler's quarters at Fort Halleck, and so conducted as to excite the animosity of the officers of the garrison, who determined to punish him for the outrage. Following him in the coach to Denver, they arrested and would not release him, until the company assured them he should leave the division.

This threw him out of employment, and he went immediately to Carlisle, Illinois, whence, early in the spring of 1863, he drifted with the tide of emigration to the Beaverhead mines. As with all men of ardent temperament, his habits of drinking, by long indulgence, had passed by his control. He was subject to fits of occasional intoxication, and these, unfortunately, became so frequent, that seldom a week passed unmarked by the occurrence of one or more scenes of riot, in which he was the chief actor. Liquor enkindled all the evil elements of his volcanic nature. He was as reckless and ungovernable as a maniac under its influences, but even those who had suffered outrage at his hands during these explosive periods, were disarmed of hostility by his gentle, amiable deportment, and readiness always to make reparation on the return of sobriety. His fits of rowdyism, moreover, always left him a determined business man, with an aim and purpose in life. As a remarkable manifestation of this latter quality, soon after he went to Montana, a steamboat freighted with goods from St. Louis, unable from low water to ascend the Missouri to Fort Renton, had discharged her cargo at Milk river, in a country filled with hostile Indians; and Slade was the only man to be found in the mines willing to encounter the risk of carrying the goods by teams to their place of destination in the Territory. The distance was seven hundred miles, full half of which was unmarked by a road. The several bands of the Blackfeet occupied the country on the north, and the Crows, Gros-Ventres, and Sioux on the south. Slade collected a company of teamsters, led them to the spot, and returned safely with the goods, meeting with adventures enough on the way to fill a volume.

After the discovery of Alder Gulch, Slade went to Virginia City. It was there that I first met him. Slade came with a team to my lumber-yard, and selecting from the piles a quantity of long boards, directed the teamsters to load and take them away. After the men had started with the load, Slade asked me, —

"How long credit will you give me on this purchase?"

"About as long as it will take to weigh the dust," I replied.

He remarked good-humoredly, "That's played out."

"As I can buy for cash only, I must of necessity require immediate payment on all sales," I said, by way of explanation.

Slade immediately called to the teamster to return and unload the lumber, remarking, as soon as it was replaced upon the piles, —

"Well, I can't get along without the boards anyhow; load them up again."

The man obeyed and left again with the load, Slade insisting as before, that he must have time to pay for it, and I as earnest in the demand for immediate payment. The teamster returned and unloaded a second time.

"I must and will have the lumber," said Slade; and the teamster, by his direction, was proceeding to reload it a third time, when I forbade his doing so, until it was paid for.

Our conversation now, without being angry, became very earnest, and I fully explained why I could not sell to any man upon credit.

"Oh, well," said he, with a significant toss of the head: "I guess you'll let *me* have it."

"Certainly not," I replied. "Why should I let you have it sooner than another?"

"Then I guess you don't know who I am," he quickly rejoined, fixing his keen dark eyes on me.

"No, I don't; but if I did, it could make no difference."

"Well," he continued, in an authoritative tone and manner, "my name is Slade."

It so happened that I had never heard of him, my attention being wholly engrossed with business, so I replied, laughingly, —

"I don't know now, any better than before."

"You must have heard of Slade of the Overland."

"Never before," I said.

The reply seemed to annoy him. He gave me a look of mingled doubt and wonder, which, had it taken the form of words, would have said, "You are either trying to fool me, or are yourself a fool." No doubt he thought it strange that I should never have heard of a man who had been so conspicuous in mountain history.

"Well," he said, "if you do not know me, ask any of the boys who I am, and they will inform you. I'm going to have this lumber; that is dead sure," and with an air of much importance, he moved to a group of eight or ten men that had just come out of Skinner's saloon, all of whom were *attachés* of his. "Come, boys," said he, "load up the wagon."

Several of my friends were standing near, and the matter between us had fully ripened for a conflict. At this moment, John Ely, an old friend, elbowed his way through the crowd, and learning the cause of the difficulty, told me to let Slade have the lumber, and he would see that I was paid the next day. I readily consented. Ely then took me aside and informed me of the desperate character of Slade, and advised me to avoid him, as he was drunk, and would certainly shoot me at our next meeting.

Early in the evening of the same day, Slade, instigated by the demon of whiskey, provoked a fight with Jack Gallagher, which, had not bystanders disarmed the combatants, would have had a fatal termination. Soon after this was over I saw him enter the California Exchange, accompanied by two friends whom he invited to drink with him. When in the act of raising their glasses, Slade drew back his powerful arm and struck the one nearest him a violent blow on the forehead. He fell heavily to the floor. Slade left immediately, and the man, being raised, recovered consciousness and disappeared. Slade returned in a few moments with another friend whom he asked to drink, and struck down. Again he went out, and soon came in with another whom he attempted to serve in the same manner, but this man rose immediately to his feet. Slade was foiled by the interference of bystanders, in the attempt to strike him again. Turning on his heel, his eye caught mine. I was standing a few feet from him by the wall. He advanced rapidly towards me, and, expecting an assault, I assumed a posture of defence. Greatly to my surprise, he accosted me civilly, and throwing his arm around me, said jocosely, —

"Old fellow! You didn't think I was going to cheat you out of that lumber, did you?"

He then asked me to drink. I respectfully declined.

"It's all right," said he, and walked away.

I met him afterwards several times during the evening, but he said nothing more.

Nine years after these occurrences, in July, 1872, I went from Helena to Fort Hall by coach, to accompany the United States Geological Survey, under charge of Dr. Hayden, to the National Park. Dan Johnson, the driver from Snake river to the fort, being unwell, and having a vicious horse in his team, asked my assistance, and I drove for him to the station. We fell into a desultory conversation, and Dan's reserve wearing off, he gave me a look of recognition from under the broad rim of his hat, abruptly exclaiming, —

"If I'm not much mistaken, I've seen your face before."

"Very likely. I've passed over the line many times."

"That's not it. It's a long time since I have seen you, and I have got you mixed up with some old recollections of Virginia City, as long ago as 1863."

"I was there a good portion of the time during the fall of that year."

"Just as I thought," he replied; "you're the very man who sold the lumber to Slade. We boys thought Slade would shoot you, when you refused to trust him for the boards. He came pretty near doing it, and it wa'n't a bit like him not to. I was one of the teamsters then, and we all expected a big row about it, and stood by, ready to pitch in. I ain't that kind of a man now, but things were different then, and anybody that worked for Slade, if he wished to escape being shot, had to stand by him in a fight. I never knew why Slade didn't shoot you, but there was never any telling what he would do, and what he wouldn't. Sometimes it was one thing and sometimes another, just as the notion took him; but if he ever was put down by a man, which wasn't often, he always seemed to remember it, and was civil to him afterwards. You was in mighty big luck to get out of the scrape as you did."

In illustration of this latter peculiarity, an incident is related of Slade, which occurred during that portion of his life passed on the overland stage route. He and one Bob Scott, a somewhat noted man of the time, had become interested in a set-to at poker; game followed game, and drink followed drink. Both were exhilarated by liquor, bets grew larger, and finally in one game each had "raised" the other till Slade's money was exhausted. Slade pointed to the piles of coin heaped upon the table, exclaiming,—

"Bob, that money belongs to me."

"It does if the cards say so," said Bob, "not otherwise."

"Perhaps," rejoined Slade, "my cards are not better than yours; but," drawing his revolver and pointing it at Scott, "my *hand is.*"

Scott glanced at him with amazement, and for a moment both parties were silent. At length Slade reached forward to pull down the pile of double eagles and transfer them to his pocket, when, with the quickness of lightning, Scott pushed aside the pistol with one hand, and dealt his antagonist a stunning blow between the eyes with the other. Slade fell, and Scott fell on him, and gave him a severe drubbing, only permitting him to rise on his promising to behave himself.

The game was renewed and no reference made to the fight, until Slade, thoroughly sobered, quietly remarked, —

"Well, Bob, if you'd pounded me about two minutes longer, I'd have got sober sooner."

Soon after he came to Virginia City, Slade located a ranche on the margin of Meadow creek, twelve miles distant, and built a small stone house in one of the wildest dells of the mountain overlooking it. This lonely dwelling, seldom visited by him, was occupied solely by his wife, who fittingly typified the genius of that majestic solitude over which she presided. This ill-fated lady was at this time in the prime of health and beauty. She possessed many personal attractions. Her figure was queenly, and her movements the perfection of grace. Her countenance was lit up by a pair of burning black eyes, and her hair, black as the raven's wing, fell in rich curls over her shoulders. She was of powerful organization, and having passed her life upon the borders, knew how to use the rifle and revolver, and could perform as many dexterous feats in the saddle as the boldest hunter that roamed the plains. Secure in the affection of her husband, she devoted her life to his interests, and participated in all the joys and sorrows of his checkered career. While he lived, she knew no heavier grief than his irregularities. In his wildest moments of passion and violence, Slade dearly loved his wife. Liquor and license never made him forgetful of her happiness, or poisoned the love she bore for him.

The frequent and inexcusable acts of violence committed by Slade made him the terror of the country. His friends warned him of the consequences, but he disregarded their advice, or if possible behaved the worse for it. It was an invariable custom with him when intoxicated, to mount his horse and ride through the main street, driving into each saloon as he came to it, firing at the lamps, breaking the glasses, throwing the gold scales into the street, or committing other acts equally destructive and vicious, and seldom unaccompanied by deeds of personal violence as unprovoked as they were wanton and cruel. People soon tired of pecuniary reparation and gentlemanly apologies for a course of brutality, which, sooner or later, they foresaw must culminate in outrage and bloodshed. All the respect they entertained for Slade when sober, was changed into fear when he was drunk; and rather than offend one so reckless of all civil restraint, they closed and locked their doors at his approach. In the absence of law, the people after the execution of Helm, Gallagher, and their associates, established a voluntary tribunal, for the punishment of offenders against the peace, which was known as the People's Court. It possessed all the requisites for trial of a constitutional court; and its judgments had never been disputed. Alexander Davis, a lawyer of good attainments in his profession, and a man of exemplary character, was the judge. Slade had been often arrested and fined by this tribunal, and always obeyed its decrees, but an occasion came when he refused longer to do so, and treated its process and officers with contempt.

He was arrested one morning after a night of riot and violence. He and his companions had made the town a scene of uproar and confusion. Every saloon in it bore evidence of their drunken mischief and lawlessness. They were taken before Judge Davis, who ordered the sheriff to read the writ to them, by way of an arraignment. Fairweather, one of Slade's comrades, placed his right hand on his revolver and menacingly snatched the writ from the sheriff's hands with his left, before it was half read, and tearing it in twain, cast the pieces angrily upon the floor and ground them under his feet.

"Go in, Bill," said Slade, addressing him and drawing his revolver, "I am with you. We'll teach this volunteer court what its law is worth anyhow."

The sheriff, who probably entertained Falstaffian ideas of valor, made no resistance, and the court was thus virtually captured. This transaction roused the Vigilantes, who had only been prevented from summarily punishing Slade on several occasions during the previous three months at the earnest intercessions of P. S. Pfouts, Major Brookie and Judge Davis. The two first named of those gentlemen now abandoned him. A large number of the Committee assembled, and while they were engaged in council, a leading member sought out Slade, and in an earnest, quiet tone, said to him, —

"Slade, get your horse at once and go home, or you will have serious trouble."

Slade, himself a member of the Vigilantes, startled into momentary sobriety by this sudden warning, quickly inquired, —

"What do you mean?"

"You have no right to ask me what I mean. Get your horse at once, and remember what I tell you."

"All right," he replied; "I will follow your advice."

A few moments afterwards he made his appearance on horseback, to obey, as his friend supposed, the warning he had given him; but, seeing some of his comrades standing near, he became again uproarious, and seemed by his conduct to ignore the promise he had made. Seeking for Judge Davis, whom he found in the store of Pfouts and Russell, he interrupted him while conversing with John S. Lott.

"I hear," said he, addressing him, "that they are going to arrest me."

"Go home, Slade," said Davis; "go at once, and behave yourself, and you may yet escape."

"No," he replied, "you are now my prisoner. I will hold you as a hostage for my own safety."

"All right, Slade," said the judge, smiling, and still continuing to converse with Lott.

"Oh, I mean it," replied Slade with an oath, pulling a derringer from his pocket and aiming it at Davis.

William Hunt, who had been an eyewitness of these proceedings, now stepped up, and, facing Slade defiantly, said to him, —

"You are not going to hurt him. He can do and act as he pleases, and don't you dare to touch him."

Slade made some careless rejoinder.

"Slade," said Hunt, "if I'd been sheriff, the first thing I would have done when I got up this morning would have been to arrest you. By that means I would have saved your life, probably prevented bloodshed, and we would have had a quiet town to-day."

"We had better make you sheriff, then," replied Slade.

"No, I have no wish for it; but if I were, I have got nerve enough to arrest you, and would certainly have done so."

"Well, well," said Slade, now thoroughly quieted, "let us go out and get a drink."

The two men left the store. In a few moments Slade returned, and, approaching Davis, said,—

"I was too fast. I ask your pardon for my conduct, and hope you will overlook it."

In the mean time the Vigilantes, undetermined what course to pursue, had sent a request to their brethren at Nevada to join in their deliberations. Six hundred armed miners obeyed the summons, sending their leader in advance to inform the Executive Committee that, in their judgment, Slade should be executed. The Committee, unwilling to recommend this measure, finally agreed that, if unanimously adopted, it should be enforced.

Alarmed at the gathering of the people, Slade again sought the presence of Judge Davis, to repeat his apologies and regrets for the violence of his conduct. He was now perfectly sobered, and fully comprehended the effect of his lawlessness upon the community. The column of Vigilantes from Nevada halted in front of the store, and the executive officer stepped forward and arrested Slade.

"The Committee," said he, addressing him, "have decided upon your execution. If you have any business to settle, you must attend to it immediately."

"My execution! my death! My God! gentlemen, you will not proceed to such extremities! The Committee cannot have decreed this."

"It is even so, and you had better at once give the little time left you to arranging your business."

This appalling repetition of the sentence of the Committee seemed to deprive him of every vestige of manliness and courage. He fell upon his knees, and with clasped hands shuffled over the floor from one to another of those who had been his friends, begging for his life. Clasping the hands of Judge Davis and Captain Williams, he implored them for mercy, mingling with his appeals, prayers and promises, and requests that his wife might be sent for. "My God! my God! must I die? Oh, my dear wife! why can she not be sent for?" were repeated in the most heart-rending accents.

Judge Davis alone stood by the unhappy man in this his great extremity, and tried to save his life. He conversed with several leaders of the Committee, suggesting that they should substitute banishment for death. But the people were implacable. Slade's life among them had been violent, lawless, desperate. No brigand was more dreaded by all who knew him; and the speech which, at the foot of the gallows, Davis addressed to the crowd in his behalf, fell like water upon adamant. There was no mercy left for one who had so often forfeited all claims to mercy. Yet there were a few men, even among those who had doomed this man to death, that would have given all they possessed to save his life. They could not witness his execution; and some of them, stout of heart and accustomed to disaster, it is no shame to say, wept like children when they beheld him on his march to the scaffold.

As soon as Slade found all entreaty useless, he sent a messenger for his wife, and recovered in some degree his wonted composure. The only favor he now asked of the Committee was, that his execution might be delayed until his wife arrived, — a favor that would have been granted could the Committee have been assured that her presence and remarkable courage would not have excited an attempt at rescue, and been the cause of bloodshed. The scaffold, formed of the gateway of a corral, was soon prepared, and, everything being in readiness, Slade was placed upon a dry-goods box, with the fatal cord around his neck. Several gentlemen whom he sent for came to see him and bid him farewell. One of his comrades, who had exhausted himself in prayers for his release, as the fatal moment drew nigh, threw off his coat, and, doubling his fists, declared that Slade should be hanged only over his dead body. The aim of a hundred rifles brought him to his senses, and he was glad to escape upon a promise of future good behavior. The execution immediately followed, Slade dying with the fall of the drop. His body was removed to the Virginia Hotel, and decently laid out.

A few moments later his wife, mounted on a fleet horse, dashed up to the hotel, and rushed madly to the bed on which the body lay. Casting herself upon the inanimate form, she gave way to a paroxysm of grief. Her cries were heartrending, mingled with deep and bitter curses upon those who had deprived her of her husband. Hours elapsed before she was sufficiently composed to give directions for the disposition of the body.

"Why, oh, why," she exclaimed, in an agony of grief, "did not some of you, the friends of Slade, shoot him down, and not suffer him to die on the scaffold? I would have done it had I been here. He should never have died by the rope of the hangman. No dog's death should have come to such a man."

The body was placed in a tin coffin filled with alcohol, and conveyed to the ranche, where it remained until the following spring, when it was taken to Salt Lake City and buried in the cemetery. A plain marble slab, with name and age graven thereon, marks the burial-place of Slade, — a man who surrendered all that was noble, generous, and manly in his nature to the demon of intemperance. A friend of his, in a recent letter to me, relating to him, says, —

"Slade was unquestionably a most useful man in his time to the stage line, and to the cause of progress in the Far West, and he never was a robber, as some have represented; but after years of contention with desperate men, he became so reckless and regardless of human life that his best friends must concede that he was at times a most dangerous character, and no doubt, by his defiance of the authority and wholesome discipline of the Vigilantes, brought upon himself the calamity which he suffered."

JOHN X. BEIDLER,
Leading Vigilante and Express Messenger.

UNIV. OF MICH.

CHAPTER XX.

A MODERN HAMAN.

BEIDLER — WOMAN FOR BREAKFAST — MYSTERIOUS MURDER OF A CHINAWOMAN IN HELENA — ARREST AND DISCHARGE OF HANSON — CLAGGETT'S RIFLE — ELECTION DAY — EFFECTS OF NEGRO SUFFRAGE — MURDER OF HAYES BY LEACH — ARREST OF LEACH BY X. — HYNSON'S CONDUCT ON THE OCCASION AND AFTERWARDS — X. SUSPECTS HYNSON OF THE MURDER OF THE CHINAWOMAN — FINDS CLAGGETT'S RIFLE IN HIS POSSESSION, AND RESTORES IT TO THE OWNER — ARRESTS HYNSON — HE IS PUT IN JAIL — HIS THREATS — COWARDLY CONDUCT WHEN RELEASED BY JOHN FETHERSTUN — THREATENS X. — GOES TO BENTON — COWARDICE AND HUMILIATION ON MEETING X. — ASKS HIS ASSISTANCE, AND RECEIVES A PLACE AS NIGHT WATCHMAN — GETS A JOB AND BETRAYS HIS TRUST — X. MAKES A SEIZURE AS MARSHAL — ABUSIVE TREATMENT OF WILLIAMS BY HYNSON — HYNSON BUILDS A SCAFFOLD, AND IS HANGED THEREON — LETTER FROM HIS MOTHER.

"WE'VE got a woman for breakfast this time, and a Chinawoman at that," said X. Beidler, as he drew up to the well-filled breakfast table of the saloon where he boarded. "There's no want of variety. We had a negro election day, and plenty of white men the week before." (The expression "a man for breakfast," signifies, in mining parlance, that a man has been murdered during the night.)

"What is the new sensation, X.?" inquired one of the boarders.

"Nothing remarkable," replied X., "a Chinawoman choked to death, and robbed of a thousand dollars during the night."

"Who did it?"

"That's the mysterious part of it. It was done by some one who don't wish to be known. He's an exceptional scoundrel; generally, our murders are committed publicly."

"Have you no idea who committed the deed?"

"Oh, yes, but then I may be mistaken. I'll say nothing about that at present. The woman was ready to leave for Boise this morning with negro Hanson, who has been living with her for some time. I don't think Hanson killed her, but it can do no harm to arrest him on suspicion, and hear his statement."

This brief colloquy occurred in Helena on a Sabbath morning in September, 1867. The town was at that time infested with thieves, ruffians, and murderers. Shooting affrays, resulting in death to some of the parties concerned, had been of almost daily occurrence for several weeks, and the citizens began to fear a return of the days of 1863.

X. Beidler ate deliberately, and when he had finished, sauntered out in pursuit of Hanson, whom he soon found, arrested, and took before a magistrate. The negro was frightened, but protested his innocence.

"How was it?" inquired the justice, in a kind tone. "Tell us all you know."

"I'll do that, sure," replied Hanson. "You see, this woman and I were jest as close friends as there's any need of. She had eight hundred dollars in dust and greenbacks, and three horses. We had agreed some time ago to go to Boise, and made our arrangements to leave this very morning. I went up to the house last evening and found a white man there. I didn't take no partikler notice of the man, but I think I would know him again if I saw him. I left, and did not go back till this morning, when I found the woman lying dead upon the floor. 'Fore God, that is all I know about the murder of the woman."

After a few more questions relating to the size and general appearance of the man whom he left in company with the woman, Hanson was discharged.

"I know," said X., significantly, "that he is not guilty. Let him go. We'll look further for the murderer."

Some ten days previous to this time, Hon. William H. Claggett came over from Deer Lodge to address the citizens of Helena on the issues of the political campaign, then in progress. He brought with him a Henry rifle marked on the stock with his initials. Forgetting to take it from the coach on his arrival, he returned from the hotel after it, and it was gone. It had been stolen during his momentary absence. After a diligent but unsuccessful search, it was given up for lost. X., however, promised to keep a lookout for it.

Election day came, when the negroes, for the first time in our history, were to exercise the right of suffrage. It was a great day for them; and the few that were in the city, soon began to make their appearance, dressed up for the occasion as for a holiday. A riot was anticipated, as threats had been made by the roughs in town that the negroes should not vote without a fight. X. Beidler stood near the polls to preserve the peace, and see that every man, black or white, was protected in voting. In the mean time a colored barber and his negro associate had a set-to at fisticuffs, to decide some knotty point in politics. The crowd arrested the combatants, and while conducting them to the magistrates, the barber escaped and ran home. Hayes, still in their custody, was roughly charged by one John Leach with having drawn a pistol upon a white man.

"You lie if you say that," was the indignant reply of Hayes.

"Do you call me a liar?" retorted Leach.

"Yes, you or any other man who says I drew a pistol or carry one."

As he said this, the crowd released Hayes, and he walked down the street to a barber shop, where he was followed by Leach, who seized him by the collar with one hand, and drawing and cocking a pistol with the other, repeated the question, —

"You drew a pistol upon a white man, did you?"

Hayes again replied in the negative, and raising his arm said, —

"Search me, if you think I have any weapons. My fuss was with a colored man, not with you. I don't want anything to do with you." As he turned to release himself from the grasp of Leach, that ruffian, aiming at his heart, said, —

"If you open your mouth again, I'll kill you," and instantly fired, the ball entering the left side, below the breast. Hayes lived about an hour.

On being apprised of the affray, X. Beidler hastened to the spot to arrest Leach. A crowd of roughs stood around to protect him, but Beidler, pistol in hand, at the risk of his life, pushed his way through it, and seizing Leach by the collar, secured him with handcuffs and led him to jail. Knives had been drawn in the *mêlée* by Leach's friends. A deadly blow had been aimed at Beidler by one Bill Hynson, which he evaded, by the dexterous use of his right arm.

After the man was in prison, and quiet restored, Hynson sought out Beidler, who was then, as now, a terror to the roughs, and said to him, —

"X., I saved your life. I knocked off the blow just in time."

Comprehending the object of this salutation, X. replied dryly, —

"I'm all right now, and much obliged to you. I suppose you saved my life."

Hynson, mistaking the irony for sincerity, followed it up by a request that Beidler would use his influence to get him a position on the police force of Helena. Beidler gave him no encouragement, and a few days afterwards he told Beidler he had got a better thing and did not wish the place.

From the meagre description given by Hanson of the man he saw in company with the Chinawoman, during the evening preceding her murder, Beidler's suspicions fell upon Hynson. He watched him narrowly, but could find no clew.

A day or two after the murder, at a very early hour in the morning, Beidler, in pursuit of circumstances to justify his suspicions, abruptly entered an old, deserted building, which a lot of loafers and roughs had appropriated for sleeping purposes. The floor was covered with their blankets, and the sudden presence of Beidler among them at so early an hour caused great consternation. They crept from their covers, and exchanging hurried glances with each other, as if to inquire, "Which of us is this day a victim for the dry tree?" fled from the building like rats from a sinking ship. Hynson was among the number. In the hurried observation he had taken of the room, Beidler saw, lying beside Hynson under his blanket, a Henry rifle, which by the initials on the stock he recognized as Claggett's. After the room was deserted, he returned to it, and seizing the rifle sent it to its owner by the next express.

Hynson missed the rifle. Meeting Beidler the next day, he inquired if he had seen it.

"Yes," replied X. "Whose is it?"

"Mine," said Hynson defiantly.

"Yours!" rejoined X. sternly. "How came you by it? You have seen the initials on the stock. Don't you know whose it is?"

Seeing that Beidler was not to be deceived, Hynson, after some prevarication, acknowledged that he took the rifle from the coach.

"I thought," said he, "I might as well have it as any one."

This admission of guilt would have been followed by Hynson's immediate arrest had not Beidler hoped by delay to find some evidence against him of murder. The negro Hanson had, in the mean time, seen Hynson. He told Beidler he resembled the man he saw at the house of the China-woman. Beidler hesitated no longer, but at once arrested Hynson for stealing the rifle, intending to keep him in custody until satisfied of his guilt or innocence of the higher crime. Impatient of this restraint upon his liberty, Hynson daily vented his wrath upon his keepers.

"As soon as I get out," said he to John Fetherstun, "I intend to kill you. Only give me the chance, and see how quick I'll do it."

John laughed, dismissing all his threats with some axioms less complimentary to his courage than his bravado, such as, "You crow well," "Barking dogs seldom bite," etc.

Beidler soon became satisfied that no evidence could be found sufficient to convict Hynson of murder, and the stealing of the rifle in a community where higher crimes were committed daily with impunity did not call for heavier punishment than the thief had already received. So Hynson was released. As Fetherstun opened the door of the prison for him, he said, —

"Have you got a six-shooter?"

"No," replied Hynson.

"Then I'll give you one, and you can turn loose," at the same time drawing a revolver from his belt and offering it to him. Seeing that Hynson hesitated, he immediately added, "Take it. It will give you the chance you've been looking for so long."

Hynson declined taking it, saying, —

"I was in jail and feeling bad when I said that. You've always been kind to me. I've got nothing against you, and don't want to hurt you, but I'm going for X., sure, — the man that put me in here."

X. needed no protector, especially when warned.

No man could draw and fire a pistol with deadlier aim or greater rapidity, and so Hynson found no opportunity of putting his threat into execution.

In the spring of 1868, Beidler, on his return to Helena from the Whoop-up mines, spent a few days *en route* at Benton. The steamboats from St. Louis were daily arriving with freights, which from this point were conveyed in teams to all the towns and mining camps in the Territory. Hynson, who had hired as a teamster to Scott Bullard, a heavy Helena freighter, was on his way to Benton. Learning that Beidler was there, he frequently in conversation avowed the intention of shooting him on sight. As the train approached Benton, Bullard rode into town in advance of it, and apprised Beidler of his danger.

The day after the arrival of the train, Hynson and Beidler approached each other in the street. The former extended his hand in a friendly manner, which Beidler seized with his left hand, keeping his right in reserve for the use of his pistol.

"I am told," said Beidler, "that you have come here to kill me."

"I kill you!" said Hynson, in well-affected surprise.

"Yes, you," said Beidler, dropping the hand he held; "and if you wish to try it, you'll never have a better chance. If that's what you want, you can't pull your pistol too quick."

Hynson glared at the little, athletic man who confronted him so boldly, and saw in those burning eyes and that steady muscle not the smallest trace of fear.

Seizing Beidler again by the hand, he said in hurried tones, —

"X., I did make a fool of myself when drunk in camp with the boys, in some remarks relating to you, but I didn't mean it. I don't want to hurt you, and never did. Now, let's be friends."

Beidler, who had no other feeling than contempt for the bragging poltroon, listened in silence to what further he had to say.

"I want you," said Hynson, "to aid me in getting the position of night-watchman in this city."

X. replied to this request in general terms, and, turning on his heel, left Hynson, who afterwards, by some means which X. could not fathom, received the appointment he desired.

Before leaving Benton, X. received a letter from Silver Bow requesting him to watch for and arrest a person who had stolen a lot of nuggets and jewelry, and gone from that place to Benton. Called suddenly away by more important business, X. intrusted Hynson with this service, who caught the thief and recovered the property, which he appropriated to his own use, pawning the jewelry for a sum of money, which was soon squandered. When X. returned, Hynson, with much difficulty, redeemed most of the jewelry, which Beidler returned to the owner.

About this time Beidler, as deputy United States marshal, made a seizure of some contraband goods. One Charles Williams was an important witness in the case. The court was held at Helena, one hundred and forty miles distant from Benton. Beidler discovered that the defendant and his friends had a plan on foot to prevent Williams from going to court, which he determined to forestall. He met Williams by appointment a couple of miles from town, furnished him a horse, a Henry rifle, and ten dollars in money, and directed him to ride with all possible despatch to Helena, he intending to follow in the coach, which was to leave in a few hours. Beidler saw nothing of his witness on the route, but, as he had told him to avoid the road the first day as much as possible, this occasioned no surprise; but when the second and third days passed without his appearance, he feared some accident had befallen him. The day after his arrival at Helena he received information that the horse had been found hitched to a post in Benton, with the saddle and gun on his back, and that Williams had been hanged. Beidler returned to Benton and secured his property. In a confidential conversation with Hynson he learned that before the execution of Williams was completed he was cut down, taken by his captors below Benton, placed upon a raft in the Missouri, and upon his promise to leave and not return to the country, permitted to escape with his life. This story, discredited at the time, was confirmed by Williams himself four years afterwards.

Hynson's participation in this high-handed outrage, while acting as a conservator of the peace, roused public indignation against him. A few days afterwards he provoked a dispute with Mr. Morgan, the sheriff, and slapped him in the face. One trouble followed another, until, in the summer of 1868, a Mr. Robinson was knocked down and robbed in the street, and the circumstances all pointed unmistakably to Hynson, the night watchman, as the aggressor. As there was no positive proof of his guilt, he was suffered to retain his position without molestation.

On the morning of the 18th of August, the same season, Hynson was observed to convey to a spot on the prairie, a mile or more distant from town, three pine-tree poles about twelve feet long and four inches in diameter. Tying one end of these three poles securely together, he raised them up in the form of a tripod. When they were stationed in a substantial manner, and to his liking, he went to a store and purchased a small coil of rope.

"What is the rope for, Hynson?" inquired a bystander.

"To hang a man with," was his reply.

The listeners understood this as a joke, and dismissed the subject with a laugh.

Hynson next employed a negro to go out and dig a grave near the tripod.

"Who's dead, Massa Hynson?" inquired the man.

"Never you mind," replied Hynson. "Go ahead and dig the grave. I'll furnish the corpse."

The negro obeyed, and the grave was in readiness at nightfall.

The next morning the lifeless body of Hynson was found suspended from the tripod by the rope he had prepared.

The citizens flocked in crowds to the spot. Among them was the negro who dug the grave. When he saw the swaying form, and had scrutinized the ghastly face, he exclaimed, —

"'Fore God, dat's de gemman dat tole me

to dig de grave, and said he'd furnish de corpse."

After the body was cut down, there was found in a pocket the following letter from the mother of Hynson: —

"My dear Son, — I write to relieve my great anxiety, for I am in great trouble on your account. Your father had a dream about you. He dreamed that he had a letter from your lawyer, who said that your case was hopeless. God grant that it may prove only a dream! I, your poor, broken-hearted mother, am in suspense on your account. For God's sake, come home."

CHAPTER XXI.

JAMES DANIELS.

CAREER IN CALIFORNIA — MURDER OF GARTLEY — ARRESTED BY THE VIGILANTES — TRIED BY COURT AND FOUND GUILTY OF MANSLAUGHTER — SENTENCE — PARDON — HUNG BY THE VIGILANTES — VIGILANTES IN THE WRONG.

OF the early history of this individual I know but little, and but for circumstances attending his "taking off," should not trouble my readers with any notice of him. That he was hardened in vice and crime, and, possibly, was one of the worst of all the ruffians whose careers I have passed under review, will hardly admit of a doubt, when the reader is informed that he murdered one man in Tuolumne County, California, and was only prevented by want of agility to complete a race, from killing another. His appearance in Helena, and the commission of the crime for which he lost his life, were almost consentaneous. In a quarrel incident to a game of cards, near Helena, he stabbed and instantly killed a man by the name of Gartley. He was immediately arrested by the Vigilantes, who surrendered him to the civil authorities. On his trial for murder, circumstances were proved, which, in the opinion of the jury, reduced his crime to manslaughter. Judge Munson sentenced him to three years' imprisonment in the territorial prison. After a few weeks' confinement, a petition for his pardon, signed by thirty-two respectable citizens of Helena, was also presented to acting Governor Meagher, who, under a mistaken sense of his own powers, issued an order for his release. The right to pardon belonged exclusively to the President. Judge Munson went immediately to the capital to show the law to the Executive, convince him of his error, and obtain an order for the re-arrest of Daniels. Meantime, that individual, uttering the most diabolical threats against the witnesses who had testified against him, found his way back to Helena; and before the judge could effect his object with the governor, in fact, on the night succeeding the day of his arrival in Helena, Daniels was arrested by the Vigilantes and hanged.

As I have endeavored to justify, in all cases where I deemed the circumstances warranted it, the action of the Vigilantes in taking life, so, as such circumstances were not apparent in this case, do I deem it a duty to say that they committed an irreparable error in the execution of this man. However much, by his threats and reckless conduct, he may have deserved death, they had no right to inflict it. If he had been wrongfully pardoned, he could easily have been re-arrested. He was a single individual in the midst of a populous community, warned by his threats of his designs, which could easily have been thwarted by arresting him, or by setting a careful watch over his actions. No excuse can be offered for the course that was pursued. This, at least, was one case where the Vigilantes exceeded the boundaries of right and justice, and became themselves the violators of law and propriety.

I was at that time a member of the Executive Committee of the Virginia City branch of the Vigilante organization, and that Committee disavowed all responsibility for the execution of Daniels, and expressed its disapproval of that act, which, it was believed, did not have the official sanction of the Executive Committee of Helena, but was regarded as the unauthorized act of certain irresponsible members of the organization at Helena.

And I will here take occasion to say that this was not an isolated instance. Under the pretence of Vigilante justice, after the establishment of courts of justice in Montana, and when many of the respectable citizens of the Territory had virtually abandoned the order, a few vicious men continued occasionally to enforce its summary discipline. Several individuals were hanged who had been detected in stealing horses, several for giving utterances to threats of vengeance, and several on mere suspicion of having committed crime. As soon as this order of things was understood by the people, the Vigilante institution was brought to an end, and the men who had misused its powers were given to understand that any further employment of them would probably cause it to re-act upon themselves. These abuses had not been frequent, and when discovered were promptly terminated.

CHAPTER XXII.

DAVID OPDYKE.

EARLY LIFE OF OPDYKE — HIS WANDERING AND SUCCESS IN MINING — APPEARANCE IN BOISE CITY — PUBLIC SUSPICIONS — HIS STABLE HEADQUARTERS FOR THE ROUGHS OF THE TERRITORY — HISTORY OF PARKS — HIS MURDER AND ROBBERY BY THE "OPDYKE GANG" — OPDYKE'S COMPLICITY IN THE PORT-NEUF ROBBERY — FRANK JOHNSON — BEECH — HANK BUCKNER THE MURDERER OF BROWN — HIS MYSTERIOUS ESCAPE FROM MONTANA — APPEARANCE IN IDAHO — NEIL HOWIE SENT TO RETURN HIM TO MONTANA — FAILS — OPDYKE ELECTED SHERIFF — CONTEMPLATES DESTRUCTION OF PAYETTE VIGILANTES — HUMILIATING RESULTS — IS A DEFAULTER AND PROSECUTED — PAYS THE DEFALCATION — THREATENS GRAND JURY — INDIAN EXPEDITION — OPDYKE LEADER — ADEN'S PACK TRAIN — OPDYKE CLAIMS IT, AND IS DEFEATED ON RAYMOND'S TESTIMONY — CLARKE SHOOTS RAYMOND — IS HUNG BY THE CITIZENS — VENGEANCE THREATENED BY THE "OPDYKE GANG" — VIGILANT MEASURES OF CITIZENS — ROUGHS DISAPPEAR — OPDYKE AND DIXON LEAVE BOISE CITY — ARE FOLLOWED BY VIGILANTES AND HUNG — BREAKING UP OF THE "GANG."

THIS man, on some accounts the most noted among the roughs of Idaho, was of patrician origin, — the degenerate scion of a family which boasted among its members some of the leading citizens of New York. He was born in the vicinity of Cayuga Lake, New York, about 1830, and could not have been more than thirty-six years of age at the close of his infamous career. He went to California in 1855, where, for want of more congenial occupation, he was employed for two years by the California Stage Company as a stage driver. Thence, in 1858, he sailed to British Columbia, but finding no business there suited to his tastes, returned the same year to California, spending two unprofitable years in Yuba county, and two years succeeding in Virginia City, Nevada. Excited by the intelligence from the Northern mines, in 1862 he went to Florence and Warren in Idaho, and the fall of that year found him in Boise county, where he located and worked a valuable claim on the Ophir. In 1864, with an accredited fortune of fifteen hundred dollars, he removed to Boise City and bought a livery stable in the centre of the town, which is still pointed out to visitors as having been the rendezvous of one of the most reckless and numerous bands of robbers and road agents in the mountains.

Opdyke's associations were bad, and he was suspected of aiding in the circulation of spurious gold dust, at that time an extensive business with the roughs of the country. His stable soon became the headquarters of all the suspicious characters of Boise, Owyhee and Alturas counties. From these and other circumstances, the public was prepared to believe that all the thefts and robberies occurring in the country were committed by persons connected with the "Opdyke gang," but so careful were they to cover their tracks, no positive evidence could be found against them.

A gentleman by the name of Parks went from Cincinnati, Ohio, to Baker county, Oregon, in 1862, where he was elected sheriff. He was very much respected. Early in the fall of 1864, he went to Idaho, and in Owyhee county purchased and located claims on several quartz lodes, specimens of which he selected to exhibit to his Eastern friends, and packed carefully in a valise. Coming to Boise City, preparatory to his departure for the States, he passed through the streets with the heavy valise in his hand, which, being observed by some of the "Opdyke gang," was supposed by them to contain a large quantity of gold dust. He remained in Boise four or five days, and was narrowly watched by the roughs.

On the morning of his departure, at three o'clock, several of the robbers left by a trail, and coming up with the coach seven miles east of the city, caused the driver to stop, fired upon Parks, rifled his pockets of two or three hundred dollars in money, and departed with the much-coveted valise. Their chagrin at finding it to contain mere quartz specimens, may be better imagined than described. Parks returned in the coach to Boise, and died in less than a week of his wounds. He was buried by the Masons. No clew to his murderers could be found at the time; but in some of the criminal developments made afterwards, it was ascertained that Charley Marcus and three others of the "gang" were directly concerned in the attack.

The next murderous outrage in which the "Opdyke gang" was concerned, was the murder and robbery of five coach passengers from Montana, in Port-Neuf cañon, in the summer of 1865. It is now known that Opdyke furnished arms and ammunition for the party from Idaho, which engaged in this expedition, and shared in the booty. Seven or eight of his gang left Boise at the time, and were joined at Snake river by an equal party of Montana roughs, who participated with them in the robbery. Frank Johnson, ostensibly the keeper of a public-house eight miles below Boise

City, was one of the confederates in this crime. His house was long a rendezvous for robbers, and his partner Beech kept a similar meeting-place at the Overland Ferry on Snake river. Beech was hung by the Vigilantes in Nevada in 1865. Johnson eluded the pursuit of the Vigilantes, fled to Powder river, Oregon, where he was arrested by Captain Bledso, Wells, Fargo and Company's messenger, on a charge of stealing horses. Found guilty on his trial, he was sentenced to ten years' imprisonment in the Oregon Penitentiary.

Soon after the Port-Neuf robbery, information was given to the Montana authorities, that one Hank Buckner, an escaped murderer from that jurisdiction, had turned up in Idaho, and was living in Boise City. In the fall of 1863, Buckner, in a dispute with one Brown in the Madison valley, drew his pistol and shot him. Buckner was arrested, examined in Virginia City, and placed in custody of the sheriff, from whom, by means never made public, he escaped. The sheriff, a very respectable man, was examined by the Vigilantes, and acquitted of blame in the matter; but the story he told, which was positively credited by the Vigilantes, ought to have led to further investigation, as it implicated others.

Governor Green Clay Smith sent Neil Howie to Idaho, with a requisition upon Governor Lyon for the delivery of Buckner to the Montana authorities. The "Opdyke gang," of which Buckner was one, concealed the fugitive, on Howie's arrival, in Dry creek, ten miles distant from Boise City. Reenan, the sheriff of the county, found and arrested him. Governor Lyon being at Lewiston, Buckner was examined, and despite the efforts of his friends, who flocked in hundreds to his defence, was ordered by the magistrate to be confined in jail in Idaho City, until an order for his surrender could be obtained. Before this could be received, a writ of habeas corpus was issued by the probate judge of the county, and Buckner was released on straw bail. Howie, seldom thwarted, as we have seen in earlier portions of this history, returned to Montana, greatly crestfallen, without his prisoner. Buckner, who was believed to have been a leader in the Port-Neuf robbery, is still at large.

At its session of 1864–5, the Legislature of Idaho set off and provided for the organization of Ada county, appointing the election of officers in March, 1865. The "Opdyke gang" was a strong power in the Democratic party. At its request Opdyke was nominated for sheriff, and by a party vote largely in the ascendant, elected by a small majority. Soon after his election, under a pretence of official duty, he avowed the intention of breaking up a Vigilante organization of about thirty persons, which had been formed in the Payette river settlement, thirty miles from Boise City, for the purpose of freeing their neighborhood from two or three horse thieves and manufacturers of spurious gold dust. The Vigilantes were a great terror to the roughs, and interfered with all their unlawful and bloody plans for money-making. In pursuance of this design, Opdyke and his coadjutors had in some mysterious manner obtained the names of all the Vigilantes, and procured a warrant for their arrest. The proceedings, to all outward seeming, were to be conducted in legal form; but in making the arrest, Opdyke and his *posse* proposed to shoot the leaders of the Vigilantes, and screen themselves under the plea that they had resisted. It was arranged that fifteen or twenty of the "Opdyke gang" would leave Boise City, armed with double-barrelled shot-guns and revolvers, and unite at Horse-shoe Bend road with as many more from the country, similarly equipped. They would then proceed with their warrant to the settlement, and, by stealing a march upon the citizens, easily effect their diabolical purpose.

Intelligence of their plan came to the ears of the citizens of Boise City. They secretly despatched a messenger to the Payette Vigilantes with the information. The thirty members of that order armed and assembled at once in self-protection. Opdyke, at the head of fifteen of the worst men in the Territory, whom he had summoned as a *posse comitatus*, left Boise City at four o'clock P.M. to make the arrest. The party from the country failed to connect with him, and his party marched down alone. The Vigilantes, numbering two to one of his band, met him. They were quite as determined as their opponents. Surprised at the preparation they had made to resist him, Opdyke held a parley, and was obliged to comply with all the terms prescribed by the Vigilantes. These were, that they would march to Boise City and answer the warrant, but they would not allow Opdyke to disarm them or "get the drop" on them. By the aid of counsel, the complaint against them was dismissed, and they were discharged, thus bringing to a humiliating conclusion a deep-laid conspiracy against the lives of some of the best citizens of the Territory. Nearly all the Vigilantes had been partisans of Opdyke, and of course, after this manifestation of his hostility, were very bitter in their opposition to him.

Soon after this the county commissioners ordered the district attorney, A. G. Cook, to institute criminal proceedings against Opdyke for permitting a criminal to escape, and also for embezzlement, they having discovered that he was a defaulter to the county in the sum of eleven hundred dollars. Cook, however, resigned his office. A. Hurd, who was appointed to succeed him, prepared indictments which were sustained by the grand jury on both charges. Opdyke paid the amount for which he was a defaulter, and resigned his office, and the prosecutions were withdrawn. He, however, swore that he would be bitterly revenged upon the grand jury, which, being composed chiefly of men of his political faith, ought, he said, to have saved him, right or wrong, out of party consideration. The grand jury held a meeting, and sent to him to ascertain his intentions. He was glad to escape further molestation by disclaiming all hostile designs against them.

Early in March, 1865, the citizens of Southern Idaho fitted out an expedition against the marauding bands of Indians which, for some months previous, had been engaged in predatory warfare in that part of the Territory. Opdyke, as leader, with thirty of his gang, volunteered. Money, provisions, horses, and other equipments were furnished by the people. A man by the name of Joseph Aden was employed to pack the stores, for which purpose eleven ponies were provided and placed in his charge, with the understanding that he should receive them in part payment for his services. In pursuance of that agreement, he immediately branded and ranched them.

Among the volunteers was a young man of nineteen, by the name of Reuben Raymond. He had performed faithful service in the Union army, and was just discharged at Fort Boise. He was quite a favorite with the people, and, though necessarily intimate at this time with the "Opdyke gang," was perfectly honest and trustworthy. The expedition ran its course, and, like all expeditions of the kind, was barren of any marked results. Opdyke *cached* a large portion of the stores on Snake river for the future use of his road agent band; and the roughs, all the more daring and impudent for the confidence the people had reposed in them, became a greater burden to the community than ever.

Aden turned his ponies out on the commons on the south side of Boise river, claimed as a ranche by Opdyke and one Drake, — the latter assuming to exercise a sort of constructive owner-

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ship to the land. Designing to swindle Aden out of his property in the ponies, Opdyke told Drake not to surrender them to Aden except on his written order. Aden employed attorneys and got possession of the ponies. Opdyke caused his arrest for stealing; and Aden, leading his ponies, which he hitched in front of the justice's office, appeared for trial. He was discharged, and the crowd dispersed; but Opdyke's attorney remained, and persuaded the magistrate to issue an order for the surrender of the ponies to his client. Opdyke and his friends took them away, and they were never seen in Boise City afterwards.

Aden commenced a suit against Cline, the justice, for damages, and recovered a judgment of eight hundred dollars, which Cline was obliged to pay. Cline resigned his office. At Aden's examination, Reuben Raymond had sworn to the identity of the ponies, which was disputed by nearly all the roughs in the expedition, and it was almost solely on his testimony, that Aden was discharged. The "Opdyke gang" were very angry with him; and on the morning of April 3, 1865, a few days after the examination, while Raymond was employed in a stall in Opdyke's stable, John C. Clark, a noted rough, stepped before the stall with his revolver in his hand, and commenced cursing Raymond. Opdyke and several of his associates, together with a number of good citizens, were standing near. Clark finally threatened to shoot Raymond.

"I am entirely unarmed," said Raymond, at the same time pulling open his shirt bosom, "but if you wish to shoot me down like a dog, there is nothing to hinder you. Give me a chance, and I will fight you in any way you choose, though I have nothing against you."

Clark covered Raymond for a moment or more, with his pistol, and then with an opprobrious epithet, said, "I will shoot you, anyway," and, taking deliberate aim, fired, and killed Raymond on the spot. This murder produced the wildest excitement, and Clark, who had been immediately arrested, was taken out of the guard-house the second night afterwards, and hanged upon an impromptu gibbet between the town and the garrison. Threats of vengeance were publicly proclaimed by the "Opdyke gang;" Opdyke himself improving the occasion to tell several of the grand jury men, who had found the indictment already mentioned against him, that they would not live to walk the streets of Boise City many days more. It was also reported that the roughs intended to burn the city, and not leave a house standing.

The citizens, fully aroused to the dangers of the crisis, organized a night patrol. Every inhabitant of the city was armed, and all co-operated for the purpose of clearing the country of every suspected person in it. While plans were maturing for this purpose, the roughs became uneasy, and one after another began to disappear until but few remained. Opdyke took the alarm for his own safety, and on the 12th of April, accompanied by John Dixon, a notorious confederate in crime, departed by the Rocky Bar road, and brought up at a cabin thirty miles distant. A party of Vigilantes followed in close pursuit. They captured him during the night, and conducting him ten miles farther on the road to Syrup creek, hanged him under a shed between two vacant cabins, on the following morning. His companion Dixon, who was caught on the march, was hanged at the same time.

When this intelligence became known in Boise City, every suspicious character disappeared, and the vilest gang of ruffians in Idaho was effectually broken up. Opdyke had many friends, and was naturally a man of genial qualities, but he had become corrupted by the evil associations contracted in Idaho Territory.

It was believed by many, at the time of Opdyke's execution, that he was hanged for his money by some of the employes of the Overland Stage Company. This, however, was a mistake in his case. The Vigilantes of Boise City had determined upon his death before he left the city, a measure they deemed necessary to rid the country of his associates, and establish peace in the community.

It was true, however, that some of the Overland Stage Company's employes were justly suspected of robbery and murder. On one occasion, two miners from Boise City, returning to the States, indiscreetly exhibited a large quantity of gold dust at Gibson's Ferry on Snake river, which exciting the curiosity of some of the observers, they were arrested on a pretence of having spurious gold dust, and hanged by some half dozen of the stage company's employes. Their bodies were burned, but no account was ever given of the gold dust. No one was deceived as to the character of this act. It was the cold-blooded heartless murder of two honest miners for their money who were returning to their homes with their hard-earned savings. This was the popular judgment.

CHAPTER XXIII.

SAN ANDREAS IN 1849.

San Andreas — The Mexicans — Disappearance of Captain Ben Osborne — The Fonda — Mexican Prospecting Party — Pursuit — The Mexican Camp surrounded — Examinations — The Cuban — A Pathetic Appeal — Successful Ruse — Confession — Return to San Andreas — The Fonda deserted — Discovery of the Body of Captain Osborne — Escape of his Murderers.

"We took no great amount of stock in the Mexicans in 1849, I can assure you," said Judge T——, as he seated himself to comply with my request to tell me a story of early days in the California gold placers. "They were a thieving, cunning, bloodthirsty set of gamblers and cut-throats. An honest man was an exception among them. And they did not like us. We had just whipped them, taken California from them, found it full of gold, and were filling it up with an enterprising, intelligent population. We suffered immensely from their depredations. Every good piece of horse-flesh we brought into the country was sooner or later stolen by them, and seldom, if ever, restored to us. They would rifle our flumes, and had a knack of appropriating our property which seemed to elude all our means of detection. Occasionally, some of our companions would disappear very suddenly. We knew that they had been secretly stabbed or shot by some of these 'Greasers,' but it was the merest chance that ever led to any discovery. Of course, whenever our suspicions lighted upon one of them, it generally went hard with him. He was fortunate to escape with his life, to say nothing of the marks which sundry whippings, and chokings, and croppings had indelibly inflicted upon his carcass. As I look back to those days now, I think we sometimes made mistakes; but then, the aggravation was very great, and if both sides could be summed up I don't think that it would be much more than an even thing between us. There was no law but such as we made. Every man carried his life in his hand, and I believe that we did, all things considered, the best that could be done.

"The Mexicans excelled us in mining. They had learned the signs before they came here. We had them all to learn. They were making new and valuable discoveries daily; if we made any it was by accident. They would start out under cover of the night, and the next morning, perhaps, be in possession of an inexhaustible placer. We would sometimes try the same game, and be most provokingly humbugged. This was so often the case that we gradually lost all faith in our gold-seeking sagacity. But we had come to California to find it, and were determined not to be thwarted, so we watched and followed the Mexicans. They were very close, and we had to resort to a great many devices to keep ourselves informed of their movements.

"San Andreas was originally a Mexican camp. It sprung up like a mushroom, in a single night. There were thousands of Mexicans and Americans in it in less than two weeks after its discovery. I was with a company at work upon a gulch near there, but it did not pan out to suit us. We were waiting, Micawber-like, for something to turn up. It was early in the winter of 1851–2. One of our men came into the camp late in the afternoon with the information that a party of Mexicans were to leave San Andreas at a late hour that night, to go to a new placer which had just been discovered, and reported to be very rich. Now was our time. If we could follow them without being discovered, we could secure claims for ourselves. We had been told that David Latimer, better known as 'Dad,' was going with the Mexicans, and would furnish them with some horses and provisions.

"After a brief consultation, it was agreed that nine of us should go to San Andreas after dark, and station ourselves without the town, on different sides of it, to watch the departure of the Mexicans, and those of us who happened to be on the side where they left should follow them quietly to their place of destination. It was quite dark when we separated, Captain Jim Box, John Harris, and Charley Bray to go to the north side of the town; Captain Gilson and myself to the south side; Ned Morgan and Herbert Ide to the east side; and Frank Forest and Joe Abbott to the west side. The hours of watching were very long. The night stole on into the 'wee sma' hours,' and we begun to think we had been hoaxed. Some of our number were only restrained from returning to camp by the consideration that they might thus lose a better opportunity to win their stake than would ever again offer. Just as Box and his companions were on the point of giving up, at two o'clock past in the morning, along came the Mexicans near where they were seated. There were twenty-five or thirty of them. They moved along as noiselessly as possible, with Box and his friends as noiselessly in pursuit. After they had travelled in this manner some three or four miles, the Mexicans became hilarious, and indulged in loud conversation, shouting, and singing. It was starlight, and our friends were careful to keep far enough in the rear to avoid observation. Suddenly they heard voices behind them, announcing the rapid approach of another party. With all convenient speed they concealed themselves by the side of the road until it passed. Two of the Mexicans, while passing the spot where Box was hidden, were overheard by him to hold the following conversation in Spanish: —

"'If they discover us, we must kill the first man that comes into camp.'

"'Yes,' replied the other, 'but they can kill too.'

"'I know, but we have commenced the game already.'

"'What do you mean?'

"'We've put one of the cursed Gringos * out of the way.'

"'What Gringo?'

"'I don't know more than that he was a captain at the battle of Monterey.'

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* Americans.

"'What have you done with him?'

"'He lies buried in a tent in San Andreas.'

"'Do you hear that, boys?' whispered Box to his companions,—'they've been killing one of our men.'

"Ben Osborne, a favorite of all our boys, had been missing for several months. He had been a soldier in the Mexican war, was a great braggart, a free drinker, and remarkably fond of women. He had a habit of fighting his battles over when in his cups, and nothing afforded him more pleasure at such times than to relate within hearing of the Mexicans his feats of valor at Monterey. The dark scowls and sinister glances with which they would listen to him, afforded him great delight. He had a way of illustrating his prowess by gesticulations and grimaces that were particularly offensive to them. His friends used to warn him of the consequences of his ill-timed mirth, but Ben would laugh at their fears, and improve the next opportunity that offered for repeating it. He had done it on so many occasions that, among the Mexicans, he was known and designated only as the 'Captain in the battle of Monterey.'

"There was in San Andreas a *fonda* or restaurant kept by a Chilano man and woman. They prepared a dish composed of red pepper and beef, called *chili concarney*, of which Ben was very fond. The sparkling black eyes and beautiful form of the hostess had for him a peculiar fascination. He used to spend many of his evenings at this *fonda*, flirting with its mistress, playing monte, drinking, and feasting upon *chili concarney*. He went there one evening early in December, 1850, and was never afterwards seen alive. It was known that he had upon his person three hundred dollars or more in gold dust. Diligent search was made for him by his friends, who suspected he had been roughly dealt with, but he could not be found. Their conjectures concerning him were unsupported by proof, and poor Ben was nearly forgotten when the conversation was overheard, disclosing the fact that he had been murdered.

"Our boys forgot their desire to find a gold placer in the paramount wish which instantly possessed them to discover the murderers of their old comrade. They made careful observation of the outfit belonging to the two Mexicans whose conversation had revealed the crime. One of them led a pack-horse which they recognized as Dad Latimer's; the other, a black donkey. Just before daylight, the Mexicans halted in the neighborhood of McKinney's Humbug, near the source of Murray's creek. Our boys fell back a mile or more, and hid themselves. After breakfast, Charley Bray returned to our camp with a note from Box to Talifero, informing him of the discovery they had made. Talifero and three or four others spread the intelligence through all the neighboring placers on Calaveras river, and raised a company of forty or more volunteers to go and see Box. These men, all well armed, met at Henry Shroebel's store in San Andreas, at ten o'clock at night. After consultation as to the course proper to be pursued in the investigation they were to make, they left at half-past eleven, under the guidance of Charley Bray, for Box's camp, and arrived there early the next morning. Among the number whom I well remember, were Knapp, Broughton, Talifero, Captain Gilson, John Morrison, Ned Morgan, Herbert Ide, and Joe Abbott.

"It was arranged that Talifero, Box, and Harris should visit the Mexican camp, and the remainder of the company await from a hill overlooking it, the firing of a gun as a signal to join them. Five or six Mexicans were engaged in cooking and preparing breakfast, and the others were just emerging from their blankets, when our three boys made their appearance. They soon recognized several as old acquaintances, to whose inquiries as to their business, they replied that they were prospecting. There were seemingly two parties of Mexicans, camped about two hundred yards apart. After a careful scrutiny of the men, Box came upon one whom he thought he could identify as the chief speaker in the midnight conversation. He stepped aside, and under the pretence of killing a bird for breakfast, fired his gun. A moment afterwards, thirty-eight armed men were seen rapidly descending a steep declivity into the camp. An expression of mingled surprise and fear sat on every Mexican face, upturned to witness the approach of the little company, as it defiled around and enclosed the camp with a regular picket-guard.

"'It is my duty,' said Talifero, addressing the astonished groups, 'to inform you that you are all under arrest. A great crime has been committed. We are in pursuit of the perpetrators of it, and have satisfactory reasons for believing they are in this camp.'

"For a moment the silence succeeding this charge was deathlike. The men exchanged terrified glances, and seemed to know not how to reply. At length one after another began to protest his innocence, and as, next to murder, horse-stealing was in those days deemed the greatest of crimes, and was the one for which the Mexicans were especially noted, they severally declared their innocence of it, and claimed to be hard-working, honest miners. These proceedings at the first camp were suddenly arrested by a loud halloo from John Harris, who, while they were in progress, had visited the other party, and found Dad Latimer's horse and the black donkey. Satisfied that they had arrested the wrong party, our boys apologized, and immediately withdrew to the other camp, where the scene which had just transpired was acted over again.

"Talifero now undeceived them as to the nature of the crime. 'We have no charge against you of horse-stealing,' said he, 'but one of our comrades has been murdered, and either his murderers, or persons who know them, are in this company, and we are determined to find them and bring them to justice.' The prisoners, nine in number, were then disarmed, formed in a line, with their hands bound behind them, and under the close escort of our boys, marched off in the direction from which they came the day before. The other party of Mexicans offered their assistance, which was declined. Our object being to find both the murderers and the remains of our comrade, we had to resort to the following expedient. Arriving at the junction of three small streams in the mountains, which were separated by low, hilly ranges, we improvised a tribunal, before which the prisoners were placed in line and addressed in Spanish by Captain Gilson.

"'You are,' said he, 'very near the end of your earthly career. We have positive evidence that some of your number either killed Ben Osborne, or know who did it. He was our friend, and greatly beloved by us. One of the men now before me was overheard, at midnight, while you were on your way here, to relate to another the circumstances of his murder. He said that it took place at a restaurant in San Andreas. With the certain proof that the knowledge of our friend's murder is in your keeping, we have determined to put you all to death, with this single exception, — the man who will tell us how, when, where, and by whom he was killed, and where his remains can be found, shall escape. To this we pledge our honor.'

"Some four or five of our boys, at the commencement of these proceedings, went over the hill which separated the creek on which we were from the one next to it, to prepare a scaffold.

Every movement was made with a view of impressing the prisoners with the seriousness of our intentions. When Gilson concluded his address, an intelligent-looking young man, apparently not more than twenty-four, was asked what he had to say in reply to the charge. His form quivered with emotion, and large tears fell from his eyes, as he gave utterance to the following remarks: —

"'Gentlemen, I am a Cuban. I was born in Havana, where my parents still reside. From the moment that I heard of the discovery of gold in California, I determined to come here in pursuit of fortune. My parents and friends opposed my wishes. They warned me of the dangers I should incur, and, among others, mentioned the very one which, it seems, is now to cost me my life. It was after long and ceaseless persuasion that I obtained their consent to come here, and it was finally given with the greatest reluctance, and accompanied by the most gloomy forebodings. When I bade my mother farewell, she hung upon my neck, protesting that if I went she would never see me more. Alas! her predictions are likely to prove too true.

"'And yet, gentlemen, upon my honor and conscience, I know nothing of this crime. It is only ten days since I came to San Andreas. Previous to that, I was a clerk for several months in Mr.

Sanderson's store at Stockton. While there, I made the money which brought me here, and I came here because of the favorable reports in circulation regarding the placer.

"'I am a Spaniard, and speak only the Spanish language. The very little that I know of your tongue I have learned since I came here. Naturally, I sought for associates among those with whom I could converse, and they were Mexicans. I have been well raised — taught to fear God and live honestly, and have ever tried to do so. This is the first time I was ever accused of crime. It is hard, gentlemen, that I should suffer for the crime of another, and that my name and memory should be blackened with so infamous, so terrible a charge as that of taking the life of a fellow-man. Gentlemen, I am innocent.'

"We were convinced of the truth of this statement, but, wishing to appear unmoved by his appeal, ordered him to resume his place in the line.

"The next prisoner addressed was an old man. Among the wrinkles which time had placed, a look of calm resignation beamed forth, which seeemed to say that he had no fear for the fate which was before him. Looking at us with steady, unblenching eyes, he said, —

"'I have nothing to say to you. I know nothing whatever about this murder.' Turning to his companions, he continued, 'You all know me to be an honest, hard-working man. My wife and daughter, who are very dear to me, are living at Jesus Maria, where I have been mining. If any of you escape, bear to them for me my dying blessing. Tell them I die with a clear conscience, innocent, — and only regret that I am forced to die without the rites of my church.'

"We conducted him over the hill to the scaffold, and placing him under it, asked him if he would avail himself of the opportunity to escape.

"'I cannot,' he replied, 'for I know nothing. Your treatment is cruel, and if not here, you will certainly be called to account for it at the bar of God.'

"Impressed with his innocence, we sent him over the hill beyond, with the assurance that no harm should come to him. Two others were disposed of in the same manner. Our next prisoner, a keen-eyed young fellow of about twenty-five, evinced so much indifference that we removed him to the scaffold. When placed under the rope he became greatly alarmed, and consented to tell us all he knew. He narrated to us several murders, some upon hearsay, and others that he had witnessed, told where the remains of some could be found, but made no mention of Osborne, and evidently knew nothing about him. Our inquisition of him was interrupted by the discharge of a gun. We sent him to join the others while we hurried to the camp.

"As we ascended the hill, we saw one of the prisoners running at full speed across the valley towards the mountain, and several of our men in hot pursuit. Talifero, Broughton, and Gilson mounted their horses and followed, but the fellow reached a ledge of rocks inaccessible to their horses, and escaped. On returning to camp, the prisoners remaining were ordered to lie down with their faces to the earth. The young Cuban was alarmed, trembled violently, and prayed with earnest devotion for relief.

"During our absence one of the men had, with the consent of his guard, gone to an oak-tree standing near, and another at the same time a similar distance in an opposite direction. The former took the chance of running for his life; the other, more closely guarded, failed of opportunity. The runaway was fired upon and slightly wounded in the shoulder. The circumstance convinced us that these were the men whose conversation first aroused our suspicions. We immediately conducted the one in custody to the gallows. He was very obstinate, said he had nothing to tell us, and drawing a large sack of gold dust from his pocket, handed it to us, saying, —

"'Here, gentlemen, here is what you want. Take it and let me go.'

"'You have mistaken your men,' replied Taliféro, 'we are neither robbers nor highwaymen. We are in search of the murderer of our friend. We are convinced that you know all about it. Take back your gold, give us the information we seek, or it shall be buried with you.'

"John Morrison, having hold of the rope, excited by the impudence of the fellow, here observed, —

"'Boys, let's choke him a little, anyhow.'

"The rope was adjusted to his neck, and John pulled it to an uncomfortable tension.

"'Hold a minute,' said the man, uplifting his arms, 'and let us talk this matter over a while. You say you'll spare my life if I'll tell where the captain is buried. What assurances have I that you will protect me? You know my countrymen will kill me if possible, for making this exposure. It will be very difficult for you to shield me from their vengeance.'

"'We will use all possible precaution to prevent their ascertaining the source of our information,' replied Talifero. 'Or we will take you into our camp, or, if you wish to leave, furnish you with means and an escort for safety. Our honor is pledged to this. We only want to bring the guilty to justice.'

"'On those conditions I will tell you everything. Your friend, the captain, came into San Andreas one night the latter part of December. He had been drinking hard and was very talkative. He went to the *fonda*, made a great display of his gold dust, of which he had considerable, and bragged loudly of the number of Mexicans he had killed in the battle of Monterey. He seated himself at a table and called for a dish of *chili concarney*. While he was eating, the Chilano woman proposed to her husband that he kill him and take his money. He refused, but she insisted. Finally, he stabbed him. Then the question arose, "How shall we dispose of the body?" The woman said she would find a place for it. The doors of the *fonda* were closed and fastened. She took up a bed in the corner, and the husband and another man dug a hole under it, into which they laid the body, and covered it with dirt. The ground was levelled, the fresh dirt swept up, carried out and emptied into the gulch, and the bed replaced. By all means arrest the woman first, as she is most guilty. Go back with me. I will disguise myself and go with you into the *fonda*, and stand in the corner where the captain is buried.'

"As soon as this disclosure was made, we removed the rope from the neck of the man, and returned with him to camp. After preparing a good breakfast, one of our boys went after and soon came in with the men who were supposed to have been hanged, and the entire company sat down on the sward and ate heartily. When our prisoner saw that no harm had been done to those whose examination had preceded his, he manifested some token of regret at having fallen into the trap we had set, which, though quiet, did not escape our observation. Breakfast over, we apologized to the Mexicans for the harsh measures we had employed, and parted with them on the most friendly terms. We were greatly prepossessed in favor of the young Cuban, and made up for him a handsome purse, which he accepted with many expressions of gratitude.

"Soon after they left us, we started with our prisoner for San Andreas. When we arrived within two or three miles of the town, we stopped for consultation. Our prisoner said that we had misunderstood him. It was the man who escaped who knew where the captain was buried. He would ascertain from him and tell us. We resorted to hanging a second time, but without effect. Relying upon the information we had received, which we thought sufficient, we again removed the rope, and proceeded to town in full force and well armed. The escaped Mexican had arrived there before us, and spread the report that we had hanged all his comrades,and he had escaped with a gun-shot wound in the shoulder. The town was full of gamblers who were especially friendly with their patrons, the Mexicans. They censured and threatened us. We defied them. Proceeding in a body to the *fonda*, we found it had been suddenly vacated. The man and woman who kept it had taken the alarm and fled. Our prisoner professed ignorance of everything. We removed the bed, dug beneath, and found the remains of our murdered comrade. Every possible effort was made to arrest the murderers, but they had a day's start of us, and there were neither telegraphs nor railroads to stop or overtake them. They left San Francisco for Chili, where, we were afterwards told, they arrived in safety. We set our prisoner free, with a gentle admonition as to his future conduct, which we have every reason to believe he religiously observed."

CHAPTER XXIV.

AN INTERESTING ADVENTURE.

ROUTES BY YELLOWSTONE AND MISSOURI IN MACKINAWS — DESCRIPTION OF YELLOWSTONE — WONDERS AT ITS SOURCE — LOWER CAÑON — REMARKABLE EROSIONS — POMPEY'S PILLAR — BAD LANDS — THREE FORKS — GREAT FALLS — GATE OF THE MOUNTAINS — FORT BENTON — JACK SIMMONS'S NARRATIVE — JOHNNY — ERODED ROCKS — FIGHT WITH GRIZZLIES — HERD OF BUFFALOES — WOODCUTTERS — BATTLE WITH THE SIOUX — INDIAN MODE OF MAKING MEDICINE — WAR DANCE — TERRIBLE ONSLAUGHT — DEPARTURE AND DEATH WAIL OF THE INDIANS — JOHNNY ON THE WATCH — FORT BUFORD — HOSPITABLE RECEPTION — ARRIVAL OF THE "LUELLA" — JOHNNY'S STORY — A STARTLING REVELATION.

FOR the first three or four years after the settlement of Montana, a favorite mode of returning to the States was by Mackinaw boat, down one or both of the two great rivers whose upper waters traverse the Territory. The water trip, if not less exposed to Indian attack, was pleasanter, less laborious and expensive, and sooner accomplished than the long, weary journey by the plains.

The upper portions, both of the Missouri and Yellowstone, pass through a country abounding in some of the grandest, most unique, and most richly diversified scenery on the continent. Of themselves the rivers are very beautiful, — their waters pure, cold, broken into frequent rapids; at one moment passing through tremendous cañons and gorges; at the next, babbling along widespread meads; and anon, as if by a transformation of enchantment, dashing into the midst of a desolation which realizes all the descriptive horrors of Dante's "Inferno," — they afford to the eye a greater variety of picturesque beauty than any of the other great rivers of the continent. A journey down them in a Mackinaw boat is an incident to fill a prominent place in the most adventurous life.

The point selected for embarkation on the Yellowstone was about twelve miles above the spot where Captain Lewis started on his descent of the river, when returning from the famous expedition of 1804, 5–6. An isolated grove of lofty cottonwoods has grown upon the only soil within miles, under the overhanging crags of a cañon whose sombre walls lift themselves three thousand feet or more into the atmosphere. The river glides through those strong jaws with the swiftness and silence of a huge serpent escaping its pursuers, forming an eddy just in front of the grove, which, being convenient of access, was early selected as a favorable place for the construction of boats and embarkation of companies.

In the fall of 1865, a company of six hundred persons commenced, at this grove, the long journey of three thousand miles to the States, in forty-three boats of different patterns. The distance to the mouth of the Yellowstone was eight hundred and twenty miles, and little more was known of its general character at that time than could be derived from the geographical memoir written by Captain Lewis sixty years before. A gentleman who belonged to the party has informed me that, after the first day's sail, he had learned to confide so fully in this narrative for geographical accuracy, that he was enabled to anticipate, long before reaching them, every prominent landmark and rapid mentioned in it. No better geographers than Lewis and Clarke have, since their time, visited the country which they explored; but their book, valuable as it must ever prove for its historical and topographical accuracy, left untold the surpassing grandeur and novelty of the scenes through which they passed. There is not a river in the world which, for its entire length of one thousand miles, presents with the same grandeur and magnificence so much of novelty and variety in the stupendous natural architecture that adorns its banks. Its source is in a beautiful lake, unlike, in general character and appearance, any other body of water on the globe. It is surrounded by innumerable warm and hot springs, sulphur deposits, and mud volcanoes. At a few miles distance is the largest geyser basin in the world, and close at hand stupendous cataracts and beautiful cascades. Here, too, is a cañon which for forty miles of distance is filled with physical wonders, so numerous, strange, and various as to defy description, and almost surpass comprehension.

The wonders of the Upper Yellowstone were first brought to the knowledge of the people of Montana, by David E. Folsom and C. W. Cook; though there is good reason to believe that they were seen by the soldiers of Captain Bonneville's command as early as 1834, and that Washington Irving, in the preparation of the report of that officer's expedition, was furnished with a description of them which he rejected as too incredible for belief. Mr. Folsom had often heard vague and uncertain rumors of the strange phenomena to be seen near the head waters of the Snake and

Yellowstone rivers. He was told that the Indians, taking counsel of their superstitious fears, believed that region to be the abode of evil spirits, and in their nomadic journeyings carefully avoided all near approach to it. This story, gathering in volume and embellishment as it was circulated through the mining camps, so wrought upon his curiosity that, in July, 1869, he and Mr. Cook made a partial exploration of the region to solve their doubts. Bewildered and astounded at the marvels they beheld, they were unwilling to risk their reputations for veracity by a full recital of them, to a small company of citizens of Helena assembled to hear the account of their explorations; Mr. Folsom, however, published a careful account of his expedition in 1870, in the Chicago *Western Monthly*, and this, with such information as could be gleaned from him, led to the organization, in August, 1870, of the Washburn exploring expedition, of which the writer was a member. The range of discoveries was so greatly extended by this latter expedition, and by the additions made a year afterwards by Professor Hayden, that Congress was induced to set apart the entire locality as a National Park.

Two hundred miles below this immense field of novelties, we arrive at the mouth of the cañon whence the river has been of late years frequently navigated, by Mackinaw and flat boats, to its union with the Missouri. Of this portion, but little has yet been written except by scientific explorers. For the first eighty miles of the distance, the river, almost a continuous rapid, rolls between gently undulating banks, dotted at intervals with clumps of stunted pines. Frequent ledges of rock jut into the stream, and wherever a bend or projection has served to arrest the flow of débris in time of flood, or catch the detritus washed from the rocks, a little bottom affords sustenance to a dense growth of majestic cottonwoods. This feature is prominent in the river scenery until the stream enters the Bad Lands four hundred miles below the cañon. These groves, unlike the irregular groves that adorn the Eastern rivers, present to the voyager a straight regular outline on all sides, a feature imparted to them by the beavers, which cut down unsparingly both great and small trees outside the given spaces. This perfect regularity, always at right angles with the upland shore, gives to these frequent groves the appearance of artificial cultivation, and in the very midst of one of the most boundless solitudes in the world, the observer frequently finds himself indulging a thought that there may be some old mediæval castle still standing within the shadow of these trees.

After one has sailed about eighty miles, and finds himself descending an expansive reach of the river, the eye is suddenly attracted by the appearance on the right of an immense and seemingly interminable ridge of yellow rocks, very high, precipitous, and crowned along its summit by a forest of stunted pines. It is several miles distant, and its sheer, vertical sides gleam in the sunlight like massive gold. Far away it stretches seemingly on an air line beyond the field of vision, presenting few inequalities of surface, and none of the features of ordinary mountain scenery.

The Happy Valley of Rasselas was not more strongly protected against outside intrusions by the precipices surrounding it, than is this portion of the Yellowstone valley from all access by those who dwell beyond this ridge of sandstone.

At a distance of ten miles or more from where it first appears, the river has worn its way through it. We enter the massive gorge. Higher and higher rise the gleaming cliffs, seemingly straight up from the river's bed, until sunlight disappears, and the blue sky above you spans like a roof the confronting crags. The illusion vanishes with decreasing height, the gloom painted in darkness upon the frightened stream grows again into sunlight, and for the next few miles you pass through banks of green adorned on either hand with citadels, temples, towers, turrets, spires, and castellated ruins, all deftly wrought by the wind and rain upon the exposed portions of the yellow rock. Neither the Hudson, with its green hills and massive knobs, nor the Columbia, with its crags and beetling cliffs, presents anything at all comparable to this. At one moment you look up at the sheer sides of a temple wrought into a form not unlike that of Edfou or Denderah, except as it surpasses them in its magnificent dimensions, all its sides presenting in the vitrified fractures of the layers of rock, regular rows of seeming hieroglyphics, and its conical, time-worn summit, gray and smooth with the frosts and storms of centuries. A little beyond stand the remains of a castle; and still farther on, seemingly equidistant from each other, three or four stately towers; then comes a massive citadel of stone, with embrasures, walls, and portholes, all the apparent paraphernalia of a mighty fortress.

These scenes, with all the variety that Nature observes in her works, occur at intervals of thirty or forty miles, every time the river penetrates the ridge, for a distance of two hundred miles; and all the way between these passages, on one side or the other of the beautiful stream, you behold stretching along upon the most exact of natural lines the pine-crowned ridge itself, skirted by meadow reaching to the margin. Before quite losing this grand exhibition, the river, fed by Clark's Fork, the Rosebud, and the Big Horn, changes its character. The waters become dark and turbid, and spread out to more than a mile in width. The valley expands correspondingly, and the foot-hills and mountains are more distant. About midway of this passage through the yellow sandstone, Pompey's Pillar, a table of rock separated by the river from the main ridge, stands isolated, towering to a height of several hundred feet over the plain, on the brink opposite. Its summit of less than half an acre, accessible with difficulty on the inland side, according to Captain Lewis, affords an extensive view of the surrounding country.

At the mouth of the Big Horn the last view of the Rocky Mountains, which thus far have enlivened the scenery with their varied phenomena of storm and sunlight, fades upon the vision, and your voyage lies for several miles through a richer agricultural region than any you have yet seen.

Here are fine meadows covered with bunch-grass, and, upon the distant hills, herds of elks, flocks of mountain sheep, antelopes, and deer. The temptation, often too great to be resisted, makes the hunter forgetful of Crows and Sioux, and sometimes lures him to his death. The rapids now become less frequent, though several of them are more formidable. At one point, where the river passes through the ridge for a distance of six miles, it has no channel of sufficient depth to float an ordinary Mackinaw, and voyagers are obliged by main force to push their boats into the pool below. Captain Lewis gave to this obstruction the name of Buffalo Shoals. A few miles below this he saw, in the midst of a formidable rapid, a grizzly bear upon a rock, and gave to it the name of Bear Rapids.

The early hunters and trappers of the Northwest found no region more favorable for their pursuit than the central valley of the Yellowstone. Here came Ashley, and Bridger, and Culbertson, and Sarpie, as early as 1817. The latter built a fort, which he called Fort Alexander, some remains of which are still standing on the margin of one of the most delightful meadows in the valley.

The last and most fearful rapid of the Yellowstone is near the mouth of the Tongue river, and was named by Captain Lewis, Wolf Rapid, because he killed a wolf near it. The river is here lashed into a fury. The roar of the rapid is heard for several miles, and the tossing spray and seething foam can be seen at considerable distance. The experiment of descending it has much to excite the fears of a person unaccustomed to river travels, but as yet it has been unmarked by accident.

Below this rapid we enter upon the last one hundred and eighty miles between us and the Missouri. The river, which to this point has displayed its beauties in long reaches of ten and twelve miles, now becomes crooked like the Missouri. Its banks are constantly crumbling, and its channel as constantly shifting. Everything in sight but adds to the desolation of the scenery, and the traveller finds it hard to realize that he is sailing on the same river which he beheld but yesterday so gloriously arrayed. The same general features are apparent to its mouth. It is much larger and wider than the Missouri at its junction with it, and increases to more than twice its size the latter, which, as all are aware, for more than a thousand miles below the Yellowstone has fewer attractions than any other river in the world.

Not so, however, the upper Missouri. That, like the Yellowstone, passes through a picturesque and beautiful country. From its source, where the Madison, Jefferson, and Gallatin unite to form it, to Fort Benton, a distance of two hundred miles, it exhibits a great variety of interesting and stupendous scenery, both of water, valley, rock, and mountain. There are the Great Falls, the Gate of the Mountains, and the passage of the river through numerous cañons, which, in any other portion of the country than the mountains and rocks of Montana, would be unparalleled for grandeur and sublimity.

Fort Benton, one of the early posts built by the American and Northwestern Fur Companies, is at the virtual head of steamboat navigation on the Missouri, in the midst of a country formerly occupied by the Blackfeet Indians, — the most implacable of all the mountain tribes in their hatred of the whites. From the time of the arrival of the first settlers of Montana in 1862, until the completion of railroads into the Territory, Fort Benton was the commercial depot of the Territory. During the period of high water every spring it is visited by steamboats freighted at St. Louis with merchandise for the great number of traders in the interior towns. A considerable town has sprung up within the shadows of the old post.

A trip from Fort Benton to the States in a

Mackinaw, though full of danger, was always inviting, while the same trip by the overland stage, though comparatively safe, was ever repulsive. In the latter part of August, 1866, Andrew J. Simmons, a citizen of Helena, and ten companions, after a wagon journey of one hundred and forty miles, alighted on the *levée* at Fort Benton, *en route* to the States. In a letter to me descriptive of this journey, Mr. Simmons writes, —

"The varied fortunes and migrating tendencies of the gold miner, in following the great periodical excitements, had cast our lots together through rough and pleasant places, through adversity and prosperity in many of the mining camps of the Pacific slope; and now, having accomplished a successful mining season in the Rocky Mountains, a visit to home and friends was determined upon by descending the Missouri river in a Mackinaw. In three days our craft was completed. She was as stanch as pine lumber and nails could make her. She was thirty-three feet in length, seven and a half feet beam, and ten inches rake. Sharp at both ends, and ample for our accommodation, she was a trim built, rakish-looking craft, which rode the current majestically, and challenged the admiration of all observers.

"Delighted with the success of our experiment in boat-building, and animated with hope of a safe and speedy passage through the two thousand miles of hostile Indian country, we quickly deposited our personal effects and various creature comforts in the little vessel, which we called 'The Self Riser,' and got everything in readiness for embarkation. We felt, indeed, that the bright visions of home, which had cheered us through many years of wandering, were soon to be realized. We had just taken a parting glass with the friends assembled on the *levée* to witness our departure, and the farewell hand-shaking and good wishes were in progress, when a young man, seemingly not more than twenty, approached me, and in an imploring voice and manner asked a passage with us down the river. There was something so touching in the low, sad tones of his voice, and his subdued manner, that I involuntarily, and on the instant, found myself deeply interested in him. He was a stranger to us all, but his pleasant, honest face, lit up by a pair of expressive eyes, disarmed all suspicions unfavorable to his character; and it was with real regret that I told him, with a view of breaking my refusal as lightly as possible, that our party was made up of old comrades, who had seen much service together, and had jointly outfitted for the trip with the understanding that the company should not be increased.

"I was about to turn away and join my comrades, who had already got into the boat, when he persisted, —

"'For the love of God, sir, do not refuse me! I am here alone among strangers, and have met with many misfortunes in this country. If you do not take me, I shall lose my last chance of returning to my friends and relatives.'

"I could not resist the power of this appeal. After a few words of hasty consultation with my companions, it was agreed that the young man should accompany us. Never shall I forget his look of mingled joy and gratitude when I told him to come on board. Our moorings were then cut loose, and with many a shout and cheer we bore down upon the rapid current. When night approached we did not, as was usual with voyagers, make land and remain until morning, but sailed on, bringing to for the first time early in the afternoon of the next day at the mouth of Judith river. There we made camp under the branching cottonwoods, one hundred and forty miles from our place of embarkation. Our larder had been replenished on the trip with three fat antelopes and a buffalo cow, shot from the boat as we floated along. We had also contrived to form the acquaintance of our new passenger, but without learning much of his history. There was something about him when questioned as to his life in the mountains which impressed us with the idea that he was guarding a secret it would cost him great pain to reveal. Respect for his sensibility soon overcame all curiosity on the subject, and so the poor boy was only known to us by the unromantic name of 'Johnny.' His skill with the pistol, exhibited on several occasions on our first day out, won him the favor of every man in the party. We all felt that in his way 'Johnny' was one of us, but his way was not like ours. We soon discovered that the rough life to which we had been accustomed had no charms for him. He neither indulged in coarse jokes himself nor enjoyed them in others, no profane expressions escaped his lips, and we were kept constantly upon our guard by some indescribable delicacy of demeanor on his part, which commanded our respect. Neither could we impose on him any of the severe toil of the voyage, but in all the lighter duties no man was more faithful than he, nor more grateful for relief from any labor that overtasked his strength.

"We had feasted to repletion on antelope and buffalo at our first camping-place, and when the hour for resting came, the question arose what should be done with Johnny. He had no blankets, and there was no alternative but that Humphrey and I should give him a place with us. So he became our joint bedfellow for the trip.

"We left at dawn, and before mid-day entered upon that marvellous tract of country which as yet has received no more appropriate name than the 'Bad Lands.' This significant title, translated from the original French, *Mauvais Terres*, has been given to an immense tract of barren country stretching for more than a thousand miles along the Missouri and Yellowstone; but the portion to which I here allude is but a single and remarkable feature of this vast earthen desert, and should receive a more distinctive appellation. The Missouri at this point, for a distance of thirty miles or more, passes through a ledge of talcose rock. Its color is a dusky white. Twelve miles of this distance the entire face of the rock upon either bank of the river has been eroded by the elements into countless forms, which suggest a thousand resemblances to artificial and natural objects, in some instances so exact as almost to deceive a casual observer. No other spot in the world has yet been discovered which can boast of such an extensive display of eroded rock. The river is confined between precipitous banks a hundred or more feet in height, and all along the jagged and broken surface, extending from the edge of these vertical walls beyond the range of vision, these objects are distributed. It seems as if all the pantheons and art galleries of the world had been emptied of their contents here. In one place is an immense round table with a large company gathered around, realizing at a single glance the legendary stories of Arthur and his knights. Through a little nook may be seen a number of forms that will remind one of the Saviour and his disciples. Then again suddenly springs into view a large gathering of people, as if assembled upon some public occasion. Men in every position, women, angels, animals, mausoleums, may be seen, and in their immediate vicinity are larger forms suggestive of dwellings, churches, and cottages. On the extreme point of one of the bends in the river stands the most exquisitely fretted castle of imperial dimensions; spires, minarets, towers, and domes scattered over it in great profusion. This single object is larger than the Capitol at Washington. One nearly as large, and presenting points of great interest, stands diagonally from it, on the opposite side of the river. Buildings with long lines of colonnades, citadels with embrasured parapets and bastions at their several angles, may be seen on every hand. The exhibition is very beautiful, and so unlike any other exhibition of natural art, as to excite the wonder not less than the admiration of all beholders. The difference between these and the eroded rocks of the Yellowstone is in color and size. The Missouri erosions are much more delicate, and not confined to architectural forms alone, but they embrace statuary, furniture, vessels, chariots, and almost every object in the natural world. They are, moreover, nearly white, and their surfaces gleam in the sunlight with all the beauty of polished marble. Awestruck at the multiplicity and grandeur of the various objects which met our gaze, we floated through this region of wonders as silently as if it had been a city of the dead. It did not seem possible as we sailed under the shadow of these immense citadels, that they were the mere creation of the elements, and had never been the abodes of men.

"The navigation of a Mackinaw boat over this portion of the river was intensely interesting. Our light craft, impelled by sails and a rapid current, easily at the command of the helmsman, would sheer around the huge rocks and dash through the foaming rapids, sweeping bends, crooked channels, and innumerable islands and sandbars. The scene was constantly changing, and new objects of interest presented themselves at every turn.

"Early on the morning of the third day, one of our company fired at a black-tailed deer, standing midway to the summit of a lofty cliff. The animal rolled down the declivity almost to the water's edge. The shot was pronounced remarkable. Out of compliment to the skill of the marksman, as well as to appease the cravings of appetite, we immediately landed, built a fire, and proceeded to roast and 'scoff,' after the approved manner of hunters, the tender ribs and haunches, furnishing a meal which all agreed surpassed anything known to the modern *cuisine.* Perhaps this was attributable to the fact that we were hungry, but then the delicious flavor of the venison was not spoiled by villanous cookery. Our dessert consisted of canned fruit and coffee, the whole moistened with a moderate flow of Bourbon drunk from tin cups. After our repast was finished, we resumed our journey in the happiest mood, with the spirit and dash of adventurers who felt themselves equal to any emergency. At noon we came upon the steamboat *Luella*, which, owing to the falling of the river, had left Fort Benton some weeks before, and was lying below Dauphin's rapids, where her passengers, who were coming down in small boats, were to join her for the trip to St. Louis. The river, which owes its spring flood to the early rains and dissolving snows in the mountain ranges, seldom affords sufficient depth later than July for steamboats to pass over Dauphin's and Dead-Man's rapids, the two great obstructions to its upper navigation. Indeed it was matter of speculation whether the *Luella* would be able at this late period in the season to make the trip until after another rise. We remained long enough to exchange compliments with Captain Marsh, and presenting him with a quantity of game for his lady passengers, resumed our voyage.

"While descending the river the forenoon of the next day, we saw on the right bank half a mile ahead, three monster bears. They were taking a social drink from the river. As soon as they had finished, they strolled leisurely up the bank and disappeared in the cottonwoods. Landing at the spot, all hands seized their weapons and started enthusiastically in pursuit of them. We followed their huge tracks in the sand up a low coulee, to the top of the bluff, and there formed in line and proceeded by the flank into the chaparral, their tracks growing larger and fresher as we advanced, until suddenly the huge monsters confronted us at a distance of about thirty paces. Seated on their haunches, their heads towering above the shrubbery, jaws extended, and paws swaying to and fro, they by short and eager snuffs, growls, and snaps, gave us an acute sense of the danger we had mistaken for sport. Our appetite for bear meat weakened much quicker than it came, and old 'Forty-niner,' who had served a long apprenticeship in California, coming up at this moment, on seeing the animals, raised and fired his rifle, shouting in a voice of terror, 'Holy Jupiter! They are grizzlies!' and turned and ran like a demoralized jack-rabbit in the direction of the boat. Suddenly recollecting that it was the black bear and not the grizzly we were in pursuit of, we all followed his example. Humphrey, slowly bringing up the rear, proposed that we should 'give them a round.' To this I assented, but urged as a preliminary that we should get out of the brush and within striking distance of the boat. Before we could do so, however, the foremost bear made a plunge for Humphrey, who, facing him, with his gun at his shoulder, fired with so true an aim, that the great beast with a somersault fell forward at his feet, and with a roar of pain expired. The cub, two-thirds the size of its dam, seeing her fall, turned and fled, leaving the way open for the attack of the sire, a grand old fellow who sounded instantly to the charge, and came crashing through the thicket upon us. It was a moment for action. We opened upon him with a terrible bombardment from our Henry rifles. In less time than a minute we had fired thirty-one balls into him. In his endeavors to reach us, and in his rage and agony, he executed some tremendous feats of ground and lofty tumbling. The woods echoed to his howlings, and in a frantic manner he tore up the earth and broke down the saplings for a considerable space around. The chaparral cracked beneath the strokes of his paws, and large pieces of rotten logs were scattered in all directions. His pluck should have won him a more glorious fate, for with all his efforts to attack us, he died without inflicting any harm, and his death roar, reverberating through the forest, summoned our frightened companions, who, with 'Forty-niner' in the van, returned in time to be in at the death. 'Johnny,' my faithful henchman, with revolver in hand, reserving fire for a last contingency, had stood near while the fight was progressing. He now came forward and warmly congratulated Humphrey and myself on our victory. We took the hind quarter of our prize on board, and nailed one of the huge paws as a trophy, to the top of our jackstaff, and floated on.

"Toward evening we descried a party of white men on the right bank, hove to, and went ashore. They proved to be a party of seven, engaged in chopping wood for steamboats. They were living in a little shanty, and intended to remain through the winter. When the boats came up, in the early spring, they expected to make a profitable sale of their wood, and go to some less exposed country. During the winter they designed to increase their wealth by hunting and trapping for furs. These men were armed with Hawkins rifles, which, being muzzle-loading, were greatly inferior to the breech-loading cartridge guns then in use. We warned them of their danger, but with the energy and enterprise they possessed also the courage and recklessness of all pioneers. They said they were ready to take the chances. Poor fellows! The chances were too strong for them, for only a few days afterwards a body of Sioux Indians came upon them. They made a desperate defence, but were overpowered and every one of them massacred.

"The eighth day of our voyage was mild and lovely. We had floated several hundred miles without accident. Each day had been crowded with events of interest, and our adventures had all been crowned with success. These, with our resources for humor, and a general disposition to see only the ludicrous side of passing incidents, made us cheerful and good-humored even to boisterousness. Sometimes, even in the midst of mirth, the thought of our constant exposure to Indian attack would operate as an unpleasant restraint. But we did not shirk the subject, or fail for a moment to look it steadily in the face. Most of our company knew what Indian fighting meant, and some had had experience. Three had followed under the banner of the writer, on the sunny slopes of the distant Pacific, when gallantry and honor had called for volunteers for the defence of firesides against savage forays. In early times upon the Middle Yuba, when Bill Junes the packer and five others were ruthlessly murdered, it was 'Forty-niner' who sounded the tocsin of war and led the daylight attack down the winding gorge upon a Digger ranchero, to its total annihilation. Our uniform experience had been that where civilized jarred with savage nature, a conflict was inevitable, and the pioneer had fought his own battles unaided. Government had done little for his protection, and less for the savage.

"Occasionally this subject would obtrude itself upon our thoughts, and we would discuss it in its personal aspects, always resolving to be on our guard against surprise and attack. But the prestige of successful adventure made us careless, and a latent sentiment of pride and confidence in our arms pervaded the entire party. We had been for several days passing through the country of the hostile Sioux, and knew if we should fall in with one of their war parties an attack would surely follow, and he would be a lucky man who escaped a bloody fate. As if, by a presentiment of coming evil, the subject on this day became more than usually exciting. 'Forty-niner,' who rather desired a brush with the Indians, had just expressed his willingness and ability to eat any number of Sioux for breakfast, should they attack our party, when our boat rounded a bend in the river, and Humphrey, the first to make the discovery, exclaimed, 'Well, there they are. You can eat them for dinner if you choose.'

"It was high noon. Just before us at the mouth of a coulee on the south bank of the river, was a large party of Indians. A hasty glance of mutual surprise and an instant seizure of arms by both parties, defined, stronger than language could do, the terms upon which we were to meet. Below the coulee, there rose to the height of fifty feet, a perpendicular bluff around whose base dashed the foaming current. A low open sand-bar disputed our passage on the opposite side. There was no alternative. We must go by the channel, within range of their guns, or not at all. As we steered to a point across the river, the Indians withdrew to the coulee, one alone remaining, who accompanied his friendly salutation of 'How! How!' with gestures indicating a desire for us to return to that side, and engage in trade with them. A moment later and our boat was opposite the coulee, within which we could see some of the red devils stripping off their blankets, and others, already denuded, approaching the verge of the bluff, armed with bows and arrows and rifles. It was evident we had come up with a large party of Sioux who were about to attack us, and we must make the best of the situation. Despite our labor at the oars, the current swept us down in direct range of the spot occupied by the Indians, who, before we had finished fastening our boat, opened fire upon us with about fifty shots, which fortunately whistled over our heads. Before they could correct their aim for another fire, we were behind a breastwork hastily extemporized by throwing up our blankets and baggage against the exposed gunwale of the boat. This they pierced with bullets thick as hail, but the protection it afforded us was ample, and we soon got ready to return their leaden compliments. Each of our Henry rifles contained sixteen cartridges when we opened fire, and the distance being about one hundred and fifty yards to the bluff, which was literally swarming with savages, not more than ten minutes elapsed until every one of them had disappeared. The fearful death howl, however, assured us that our fire had not been in vain. With the exception of an occasional head dodging behind the trees, not an Indian could be seen, yet from the coulee, the sage brush, and low shrubbery, an incessant firing was kept up, which we returned as often as an object became visible.

"The effect of our first fire satisfied us that while it would be death to all on board to attempt to run the channel, we could in our present position keep the rascals at bay. We could stand the broiling sun of an August afternoon on a heated sand-bar in the Missouri better than the hotter fire of our savage foes. Early in the action, while rising to fire from the breastwork, a bullet struck Humphrey in the mouth, carrying away with it a piece of the jaw and three teeth, and severely cutting the lips. The wound disabled him, and deprived us of the best marksman in the party. A little later 'Forty-niner' was struck by an arrow in the fleshy part of the thigh. I pulled out the shaft, and bound up the wound. Five minutes after, an arrow pierced the calf of his leg, inflicting a painful wound. These arrows came from a squad which was protected from our bullets by a depression in the bluff, oblique to us. So great was their skill with the bow, that while the main party in front could not harm us with bullets, they, by bending their arrows, caused them to describe a curve which would strike their sharp points into the legs of our boots with unerring precision.

"The pride of 'Forty-niner' was now fully aroused. Twice wounded, he became enraged, desperate, and unsheathing his bowie-knife, he rose to his feet, and brandished it in the rays of the sun, launching a terrible imprecation upon the liver, hearts, and scalps of the savages.

'Come on,' he shouted, 'you infernal sons of Belial! Alone and single-handed, I will meet any five of the best of you in open fight!'

"The bullets whistled around him from an invisible foe, but to no purpose. Seizing him by the left arm I pulled him down, and warned him of the danger of this personal exposure; but not until he had exhausted his vocabulary of maledictions, would he yield to my entreaties and resume his place behind the breastwork. Deprecating his recklessness, I could not but admire his courage. But as this was no time for sentiment, I was only too happy, when, of his own accord, he stretched himself beside me, and I heard the bullets whistling harmlessly over us. Just at this moment I looked behind me and caught a glance of my little friend Johnny. With nothing but a pistol to engage in the conflict, he had taken no active part in it, but, with the pistol beside him, he was administering every possible relief to poor wounded Humphrey. His coolness was remarkable, and inspired us all with hope.

"The Indians kept up a brisk fire from various places of concealment until after sundown. We only responded when our shots would tell, and finally ceased to fire at all. Our enemies, thinking we were all slain, sent a party to take our scalps and plunder. We lay still, behind our breastwork, so as not to undeceive them. Twenty-seven of their best warriors, led by Ta-Skun-ka-Du-tah (the 'Red Dog'), swam the river half a mile above, and marched down directly in rear of us. There, at a distance of about three hundred yards, they sat down in a ring, within easy range of our rifles. Sitting Bull, their head chief, meantime made medicine on the south bank for their success, while they, believing that we were fully in their power, commenced smoking and making medicine with the intention of destroying us at leisure. (The names of the chiefs engaged in this attack were learned by the writer several years after its occurrence when he was employed as a government agent for the Teton Sioux, of which tribe Sitting Bull was head chief.)

"The 'Red Dog' was a big medicine man. Having filled and lighted the magic pipe, he first touched the heel of it to the ground, then raised and pointed the stem to the sun, drew a few solemn whiffs, forcing the smoke through his nostrils, and passed the pipe to his neighbor on the right, by whom it was passed on, until the ceremony was performed by every man in the circle, and the pipe returned from right to left without ceremony to the hands of the medicine man. He refilled it, and it was circulated again from left to right. Painted sticks with colored sacks of medicine attached were then stuck in the ground in the centre of the enchanted circle, and the whole company arose, broke into a guttural graveyard chant, and commenced the war-dance around the medicine, the chief meantime waving over it his coo-stick. This over, the medicine with great solemnity was given to the sun.

"During the half-hour thus occupied by the Indians, we were engaged also in making medicine, and we made it strong. Our ten large Colt's revolvers were carefully loaded, our Henry rifles cleaned, and their magazines filled with cartridges. We were impatiently awaiting the assault when it came. Naked, hideously striped with red and black paint, dancing, contorting their bodies, showering arrows thick and fast into and around the boat, blowing war whistles made of the bones of eagles' wings, whooping and yelling, they rushed to the onset as if all the devils of pandemonium had been suddenly let loose. For their arrows and bullets we were prepared, but this terrific vocal accompaniment for the moment scattered our courage to the winds. We could well understand how the stoutest hearts would quail in presence of such an infernal demonstration. Our hair rose up like quills, and we could feel our hearts sink within us as the noise and din increased, filling the forest with horrible reverberations.

"Our little boat, breasting the sluggish current, floated at a distance of twenty feet from the shore, to which she was fastened by a strong painter. The red-skins, still shouting and firing, evidently anticipating an easy victory, rushed madly onward to the water's edge, when at a word, we all rose up and opened a deadly and incessant fire upon them with our rifles. Our hopes were more than realized in seeing several fall, and the others beat a hasty retreat to the cottonwoods. It was now our turn to shout, and we made the welkin ring with cheers of victory as we jumped from the boat and waded rapidly to the shore, and pursued the flying demons to their log covert in a coppice of willows. 'Forty-niner,' reminded that his banqueting hour had arrived, forgetful of his wounds, rushed impetuously to the charge, brandishing his inevitable bowie-knife with one hand, his unerring pistol firmly clasped in the other, and his powerful voice raised to the highest pitch of angry utterance.

"'Scatter, you infernal demons!' he cried, 'scatter, for not a devil of you shall escape us.'

"Too true, alas! for Ta-Skun-ka-Du-tah, were these words of doom. The medicine which he deemed invincible, failed to protect him from the deadly aim of 'Forty-niner,' a bullet from whose pistol passed through his heart. With a convulsive leap into the air, and an agonizing death yell, he fell prone to the earth, grasping the coo-stick and medicine which had lured him to his fate. Six lifeless bodies of his followers lay around, and how many were killed or wounded on the opposite bank in the early part of the contest, we had no means of ascertaining. 'Forty-niner' made medicine over the fallen chief, and removed his scalp in a manner which even he would have approved. Little Johnny displayed great courage in the fight, and was always near me in the thickest of it, seemingly ready to avenge any harm that might befall his benefactor.

"The twilight was fading into darkness, when the Indians on the opposite side of the river fired upon us for the last time. Assembling upon the bank in a group a few hundred yards above us, they were speedily rejoined by the survivors of the attacking party, who, as we learned from their melancholy death howl, had communicated to them the disasters of the battle. The wailing notes, attuned to a dismal cadence, ringing in echoes through the forest, harmonized gloomily with the joy and thankfulness which our escape had inspired. We had no sorrow to squander upon the savages in their distress, but there was something so heartfelt in the expression of their grief, that it filled us all with sadness. And there was no heart in the loud and repeated cheers and firing of rifles with which we deemed it necessary to respond, lest they should return and seek to avenge the death of their fallen comrades. It was simply an act of self-defence; for had the Indians known our fear of future and immediate attack, and the anxious plans we made for prompt departure, our doom would have been certain.

"When the last faint note of the retreating Sioux assured us of freedom from immediate danger, we took careful note of our injuries, and made preparations to resume our voyage. Five of our company had been wounded, none fatally, but all needed attention and service which we could not bestow. Our boat and baggage had been pierced by hundreds of bullets. A companion, who was disqualified by the recent amputation of his leg from service during the fight, had received a wound in the back that would have proved fatal but for the interposition of his wooden leg, which happened to be in range. Another had an arrow point in his shoulder, and still another one in the hip. Then there were Humphrey and 'Forty-niner,' so badly wounded as to be incapable of service. Before daylight a thousand Indians, thirsting for revenge, might assemble at some point below us, intent upon our destruction. There was no alternative; — we must leave with all possible speed, and reach Fort Buford, about one hundred and thirty miles distant, at the mouth of the Yellowstone, without detention of any sort. Those of us who were uninjured by the fight, set about repairing the boat. An hour before midnight we dropped into the current, and under cover of intense darkness were borne rapidly down the turbid river. Jostled by frequent snags, arrested by sand-bars and by various collisions, kept in constant fear of wreck, we contrived to hold our course until daylight. Through the succeeding day our field-glass was in constant use, but as no Indians were visible, we ventured, while passing a bottom, to fire into a large herd of antelopes. Two were killed. We disembarked, threw out pickets, and prepared a hasty meal, and sailed onward. Until its close, the remainder of the day was without incident; but just at dark, our boat ran hard aground upon a sand-bar, and obliged us to remain there during the night. This was not without risk, for if the Indians had come upon us we would have been an easy prey. Our ever-faithful Johnny, who had slept during the day, volunteered as guard, and wrapped in his blanket, he sat down on the deck, his clear eye peering into the darkness, and his keen ears detecting the slightest unusual noise. Several times he mistook the whistle of an elk, and howl of the wolf, for the Indian, but no Indian came, and we were aroused at daylight by our trusty sentinel with the welcome announcement that a large human habitation was visible. We sprung to our feet, and beheld, at a distance of three miles ahead, the stockade and bastions of Fort Union. Fears for our safety and for the poor fellows whose wounds produced the most intense physical suffering, were instantly relieved; and every able-bodied man in the party put forth his best exertions with hearty good will to remove the boat from the sand-bar. This accomplished, we soon effected a landing at the fort, but finding no surgeon there, crossed the point with our wounded, a distance of two miles, to Fort Buford, then in process of construction at the mouth of the Yellowstone. Here we found a Company of the 13th United States Infantry, under command of Col. W. G. Rankin, quartered in tents until the completion of the post. More than half the time their attention was diverted from work upon the fort by attacks of Sioux, large bands of which were prowling through this region. The colonel received us very kindly, placed a large tent at our disposal, furnished us with commissary stores, and consigned our wounded to the skilful treatment of the surgeon.

"We had been two weeks at Fort Buford, when the steamer *Luella* arrived with three hundred passengers. Our taste for adventure having lost its flavor, we reluctantly bade the kind colonel and his Company good-by, and took passage on her for Sioux City. The run down, unmarked by any unusual incident, and after frequent detentions upon sand-bars, was accomplished to the head of the great bend above the town in fourteen days. One of our party crossed the bend, which is but a few miles in width, to the city, to provide means upon our arrival for the conveyance of the company to the Northwestern railroad, not then completed to the Missouri. I had just finished a game of whist, when my comrade Johnny, who was seated beside me, drew me aside and inquired if I intended to leave the boat at Sioux City. On receiving, with an affirmative reply, an urgent request to accompany me to Chicago, he broke into tears and expressed great regret that we must part so soon, as by remaining on the boat he could reach his friends and home much sooner than by any other route.

"'Come with me on the deck,' he continued, putting his arm in mine. 'I have something to tell you in confidence, which will greatly surprise you.'

"I had often had occasion during our trip to think that Johnny would unfold the mystery which enveloped him, before we separated, and I readily accompanied him to the place indicated. With much nervous embarrassment, he then said to me, —

"'I am indebted to you more deeply than you can even imagine. You have been a kind friend and benefactor, and now that the time has come for us to part, I should be more than criminal did I not reveal myself to you in my true character. The disguise is no longer necessary for my protection. I am a woman.'

"Involuntarily I exclaimed, 'Great Heaven! is it possible! — and I, all this while, so stupid as not to see it in your conduct! This accounts for everything I thought so strangely reticent, so singularly delicate and refined in your manners.'

"'Let me go on,' said she, interrupting this rhapsody. 'Our relation to each other, so changed, must not affect the deep sense of obligation your kindness has imposed; and besides, my history, with all its sad vicissitudes, will afford ample apology for the deceit of which this confession convicts me. When I came to you and begged for the passage you so generously granted, I was a poor heart-broken woman, but now with the multiplied evidences I have of a protecting Providence, I am comparatively happy. Listen to my story. Just before the great rebellion I was married to one I dearly loved. Our home was in Tennessee. I was nineteen, and my husband, whom I will call Mr. Gordon, a few years older. Early in the summer of 1861 he espoused the Union cause, which brought him in great disfavor with his relatives and neighbors. Their frequent persecutions drove us from the country. We sought a new home in California. There he engaged in extensive mining enterprises, all of which terminated in failure. He became utterly discouraged, and realizing in the current idiom of the country the condition of one who had "lost his grip," I urged him to return to the States, but our means were nearly exhausted. With the hope of replenishing them, as a last resort he staked and lost everything at a gambling table. To my constant entreaties for reformation, he promised well, until intemperance seized him in its deadly coil. Naturally high-spirited and honorable, misfortune and dissipation soon reduced him to a wreck.

"'In the spring of 1866 we were living in a mining camp at the Middle mines, on the western slope of the Sierras. One night (I shall never forget it) my unfortunate husband, while intoxicated, became embroiled in a desperate quarrel at a game of faro, with a player of much local popularity. A fearful fight followed, in which he killed his antagonist. He was followed into the street and his arrest attempted by a sheriff's officer. He fled in the direction of his home, was fired upon and seriously wounded, and in three shots fired by him in return, he killed one of the arresting party. The others fled. The crowd, attracted by the firing, pursued him so hotly that he ran to the hills and secreted himself in the forest.

"'During the succeeding six days of bitter anguish I was in a state of terrible suspense. Late one night relief was brought by a messenger from my husband, who said he was lying at a miner's cabin in the mountains, fifteen miles distant, seriously wounded, and required medicine and attendance. I instantly determined to go to him. The man, an old friend of my husband, discouraged me, lest I should be followed by the officers, and the hiding-place discovered. This objection I overcame by donning male attire, and following his guidance astride a mule. I reached the bedside of my wretched husband without exciting suspicion, and after several weeks of careful nursing, his condition was so improved that he could commence a journey to the States. Fear of discovery prevented longer delay, and our friend providing us with means of conveyance, we started on our weary route.

"'You may readily conceive that the task was disheartening, for to escape detection it was necessary to avoid all travelled routes, and literally pick our way through mountains, valleys, defiles, and cañons, fording rivers where we could find opportunity, and obtaining food from ranches and at points remote from the large settlements. My husband's condition required constant attention, and on me alone devolved all the labor and care of the journey. No one, to see my embrowned face and knotty hands, would have ever dreamed that I was aught else than the tough wiry boy I appeared, or that I concealed beneath my disguise a heart torn with anguish and shaken by continual fear.

"'We selected, as least liable to interruption, a route through Northern California, Oregon, Washington and Idaho, intending, after our arrival in Montana, to find some easier mode of completing our journey. Five long weary months during which travel was about equally alternated with delay, found us encamped on the Columbia plains in Washington Territory near the western border of Montana. Oh! it had been a terrible perambulation. And now, when beyond the pursuit of sheriffs, and near the close as we supposed of our journey, my poor husband, weakened by the internal hemorrhage from his wound, was prostrated by an attack which in a few days terminated his life.

"'I was alone in the wilderness, several hundred miles from the nearest settlement. For two days and nights I lingered in that lonely camp beside the dead body of my husband, without a sound to break the fearful stillness, save the yelping of coyotes, and the midnight howl of the wolf. On the third day I heard the welcome sound of an approaching pack-train. The men having it in charge dug a grave and gave my husband decent burial. I accompanied their train to Helena, preserving my male *incognita* without suspicion. After a brief period of rest and refreshment, I disposed of my effects and went by coach to Benton, where I was so fortunate as to fall in with your party. You know the rest.'

"The recital of this eventful narrative made a profound impression upon me. I could scarcely realize that it had fallen from the lips of the mild-mannered, resolute, active little Johnny, who had been to us all such a pleasant but enigmatical companion. My sympathies were all warmly enlisted in favor of the brave woman, but she refused all further proffers of assistance, assuring me that she was provided with ample means for the completion of her journey, and had many able and willing friends who would greet her return to them with joy. I took leave of her at Sioux City the next day with real regret, and often since have recalled to mind the thrilling history of her experience in the mountains."

Nathaniel P. Langford

UNIV. OF MICH.

CHAPTER XXV.

THE STAGE COACH.

HOLLIDAY'S OVERLAND — HAZARDOUS JOURNEYINGS — PORT-NEUF CAÑON — MASSACRE OF 1865 — TREACHERY OF THE DRIVER — SANTA FÉ ROUTE — MEXICAN CHARLEY — CAPTURED BY ROAD AGENTS — ROBBERS FOILED — STRANGE DISCLOSURE — BOISE ROUTE — "DOWDLE BILL" — LUDICROUS FUNERAL SERVICES.

THE stage coach is one among the most vivid memories of the boy of half a century ago. The very mention of it recalls the huge oval vehicle with its great boot behind, fronted by a lofty driver's seat, — swaying, tossing, rocking, lumbering and creaking as it dashes along, impelled by four swift-footed horses, through mud and mire, over hill and dale, in the daily discharge of its appointed office. Anon the rapid toot of the horn, closing with a long refrain, which reverberates from every hillside, winding a different note to the varied motions of the coach, and a rattle of the wheels announces the arrival, and every urchin in the village is on the alert to see its passage to the hotel, and from the hotel to the post-office. It was the daily event in the memory of childhood, which no time can obliterate. As years wore on and improvements came, and one by one the old-time inventions gave place to others, the coach began gradually to disappear from the haunts of busy life, and the swift-winged rail-car to usurp its customary duties. Seemingly it shrunk away as if frightened at the improvements multiplying around it, and sought a freer life in the vast solitudes of the Great West. There it had full range without a rival for thousands of miles for a third of a century, and conveyed the van of that grand army of pioneers across the continent, who sought and found home and wealth and opened up a new and richer world than any ever before discovered on the golden shores of the great Pacific.

The system of overland travel, which afforded a comparatively rapid transit for passengers and mails between the oceans, made the stage coach an object of peculiar interest to the civilized communities of both continents. It was the bearer of the earliest news from the gold fields, the most assured means of communication between those families and friends whom the lust for fortune had separated, and the most available conveyance to the land of gold. The novelty of a trip across the plains, over the mountains, and through the cañons, its exposures to Indian attack and massacre, its thrilling escapades and adventures, can only be known to him who has accomplished it.

Before the construction of the Union Pacific Railway, mails and passengers were transported from the States to Montana by Holliday's Overland Stage Line, running from Atchison, Kansas, by way of Denver and Salt Lake City, and connecting at the latter place with a stage line owned by other proprietors, running to Virginia City and Helena, a total distance of nineteen hundred miles. The route, for nearly its entire distance, lay through a country occupied by various Indian tribes, several of which were permanently hostile, and the others ready to become so as occasion offered, to satisfy their greed for plunder or robbery. The only habitations of whites, except at the places mentioned and two or three smaller settlements, were the log cabins of the stock-tenders. The regular time for a journey from Atchison to Helena was twenty-two days. Once started, the only stoppages were at the changing stations twelve to fifteen miles apart,— the eating stations being separated by a distance of forty or fifty miles.

In the fall of 1864, I made this journey in company with Samuel T. Hauser,—the time occupied being thirty-one days and nights of continuous travel. Our journey was prolonged by delays occasioned by the incursions of the hostile Sioux, who had killed several stock-tenders at different stations, burned the buildings, and stolen the horses. From their frequent attacks upon the coaches from ambush, it was necessary for us to be on the constant lookout, with arms prepared to resist them at any moment. This cautiousness was intensified by the evidence of their murderous purpose we met with in our progress. On the second day after leaving Atchison, the eastern bound coach met us with one wounded passenger, the next day with one dead, and the next with another wounded. The reports of passengers eastward bound were also very discouraging. Yet this risk of life did not lessen travel. The coaches were generally full.

As a curious fact in stage-coach statistics, I may be pardoned for stating that in fourteen years, while National Bank Examiner for all the Territories and the Pacific States, and four years, while Collector of Internal Revenue, my staging to and fro over the continent exceeded seventy-four thousand miles. I learned in that experience that the most comfortable as well as most eligible place for travelling was the outside seat beside the driver; and as it was seldom in demand by others for travel by night, I usually had no difficulty in securing it. For one whose stage travel is pretty constant, no dress is more suitable than the one usually worn by express messengers, which consists of warm overalls and fur coat for ordinary winter weather, and a rubber suit for protection against storms. The only objection to them, and that sometimes and in some portions of the country a serious one, is the liability of the wearer to be mistaken for a guard. The road agent considers the guard with treasure in his keeping as legitimate prey, and shoots him without the least compunction if he evinces any determined resistance. It was my good fortune for several years to travel unmolested over routes which but the day before or after were the scenes of both murder and robbery.

The ill-starred cañon of the Port-Neuf river, memorable in all its early and recent history, for murder, robbery, and disaster, is about forty miles distant from Fort Hall, Idaho. It was named after an unfortunate Canadian trapper, murdered there by the Indians, and ever since that event a curse seems to have rested upon it. Captain

Bonneville established his camp there for the winter of 1833–4, and during his absence with a few men, those who remained, reduced by cold and hunger, were obliged to leave for a more promising location. He found them on his return in the spring, encamped on the Blackfoot, a tributary of Snake river, not very far above Port-Neuf cañon. Not only had they been pinched by famine, but they had fallen in with several Blackfoot bands, and considered themselves fortunate in being able to retreat from the dangerous neighborhood without sustaining any loss.

Ever since the stage road from Salt Lake City to Montana was laid out through this cañon, it has been the favorite haunt of stage robbers and highwaymen. Nature seems to have endowed it with extraordinary facilities for encouraging and protecting this dangerous class of the community. Both sides of the river wash the base of basaltic walls, which, by the combined action of fire, water, and wind, have been eroded into numerous columns, resembling in formation those of Staffa, and forming coverts and gateways alike favorable to the commission of robbery or murder, and the escape of the criminals. Indeed, it has been with many a commonly received opinion, that these gateways of rock gave the name to the cañon, the word Port-Neuf in compound form signifying "ninth gate." Notwithstanding its terrible history, the drive through it upon a summer day is very delightful. In the most romantic portion of it, marked by an immense pile of crumbled basalt and favored by an almost impenetrable thicket of willows, is the scene of one of the most horrible tragedies that ever occurred in the murderous history of this robbers' den.

Robbery and murder in the early history of the gold seekers in Montana and Idaho were carried on upon strictly business principles. No attack upon a coach or a returning emigrant train was made without almost certain knowledge of the booty to be obtained. Some of the band of robbers were at the different mining localities, on the lookout for victims; and between them and the attacking party a system of telegraphy existed by which was communicated all possible information concerning every departure of the coach with a treasure-box, or passengers with gold dust.

In the summer of 1865, Messrs. Parker and McCausland, who represented the interests of two successful merchants of Virginia City, and Messrs. Mers and Dinan, merchants of Nevada City, left Montana for St. Joseph, Missouri, with about sixty thousand dollars in gold dust in their possession. For a week or more before leaving, as was the custom in those days, they had sought by various devices to mislead any local operatives of the robber gang who might be watching them, as to the exact time of their departure, so that when they took leave of Virginia City they were very confident they had stolen a march upon them, and would pass the ordeal of a coach ride to Salt Lake City in safety. Port-Neuf cañon was regarded as the dangerous spot. Once through that, they were comparatively safe. Their treasure, safely packed in buckskin bags, was in part concealed upon their persons, and the remainder locked up in a carpet-sack, carefully stowed away under the back seat which they occupied. Before their arrival at Snake River bridge, two more passengers, Brown and Carpenter, were added to the number. Leaving there in high spirits, they proceeded at a brisk pace down the road, entering the cañon at an early hour in the afternoon. It was a pleasant sunshiny day. Happy in the belief that before its close they would leave the dreaded place behind them, and that no attack would be made in daylight, the members of the company were engaged in one of those rambling discursive conversations which belong exclusively to this mode of travel. Each man, however, as if instigated by the evil spirit of the locality, had, before arriving at the cañon, examined his weapons of defence and placed them in a convenient position for use in case of necessity. Mile after mile was passed, and more than half the distance through the cañon had been travelled, when a voice issuing from a clump of bushes by the roadside sternly commanded the driver to halt, and at the same moment the muzzles of nine or ten guns were presented at the passengers, who were ordered to throw up their hands. "Robbers! Fire on them!" exclaimed Parker, who had taken a seat on the outside of the coach for the purpose of watching, — and suiting the action to the word, he cocked and raised his gun and attempted to fire, but fell forward riddled with buck-shot. At the same time other shots killed McCausland, Mers, and Dinan, and seriously wounded Carpenter, who escaped by feigning death, as one of the robbers was about to shoot him again. Brown escaped by plunging into the surrounding thicket of bushes. Charley Parks, the express messenger, received a serious wound which necessitated the amputation of the leg at the thigh. The murderers then completed their work by rifling the bodies of their victims, and seizing whatever treasure they could find upon and within the coach, and then made their escape through the basaltic gateways to the fastnesses of the mountains. The driver, with his ghastly freight of dead and wounded, returned to the station. Large rewards were offered by the stage company for the arrest of the desperadoes who had committed this frightful butchery, and for the recovery of the stolen treasure. Many members of the Vigilante organization of Montana started in pursuit, but all attempts to trace the murderers were for some time abortive.

Frank Williams, the driver of the coach, soon after left the employ of the stage company, and was for some time a hanger-on of the saloons of Salt Lake City. The lavish use he made of money while there, excited the suspicion of those who were in pursuit of the robbers, and when he left the city, they followed him and watched him closely, until satisfied that he was using money in larger amounts than he could have obtained honestly. At Godfrey's Station, between Denver and Julesburg, they arrested him. Conscience-smitten, he fell upon his knees at the feet of his accusers, and made a full confession, implicating eleven confederates, whose names and places of abode he revealed. He admitted that he had driven the coach into the ambush for the purpose of aiding the robbery, in the avails of which he was a participant. It probably never occurred to him that the murder of the passengers was possible; and from the moment of its occurrence he had not known a moment's peace of mind or freedom from fear of arrest. He was hanged near Denver immediately after his arrest and confession. The information he gave enabled his captors to eventually secure the persons of several others engaged in the robbery, who were summarily executed, — but the larger portion of the robbers are still at large.

There have been several coach robberies in Port-Neuf cañon and the vicinity since the one here recorded, but none in which life was taken. Indeed, attacks upon the downward bound coach became so frequent that for several years before the completion of the railroad the stage company provided for each treasure coach a guard, whose business it was to defend both treasure and passengers by all means in his power. Among the men selected for this duty they made choice of two who had figured conspicuously in the early Vigilante history of Montana, John X. Beidler and John Fetherstun.

The only stage station in this cañon was known by the very appropriate name of "Robbers'

Roost," and I never passed the place without a feeling of mingled sadness and horror at the recollection of the tragedy which has given it such a bloody notoriety. Forty-six times have I passed through this cañon on trips from Montana to the States and returning. It has been with me a lifelong custom to take my seat with the driver, and occasionally when riding through the cañon, clad in a buffalo overcoat, with headgear to correspond, I have experienced an instinctive feeling of discomfort at the thought that I might be mistaken for a guard, who is always deemed the legitimate prey of the road agent, and shot down by some avenging Nemesis of the band. The robbers, however, seldom demand the money or other personal effects of the driver or messenger, as these, being of small value, poorly compensate for the risk incurred in robbing the treasure-box and the passengers.

Among the various devices I had thought of adopting to escape robbery in case of attack, I finally concluded to act the part of a messenger, with whose methods long observation had made me familiar. The objection to this was that the robbers frequented *incog.* the stations on the route of their contemplated depredations, and knew the *personnel* of all or nearly all the messengers. No mercy therefore would be shown to any one who was detected in the attempt to personate one of them. The risk was too great to be incurred except by one who courted adventure, or where the safety of a large amount was involved. An opportunity finally came.

My duties as bank examiner required a visit to Santa Fé, New Mexico, in the latter part of June, 1878. Having completed my examinations, the cashier of the Second National Bank requested me on my return to convey to Denver a considerable sum of gold and currency.

The coach robberies had been so numerous for nearly a year on this route, that Messrs. Barlow and Sanderson, the proprietors of the stage line and the express company, had refused to transport treasure over it, and all packages of merchandise were sent in charge of trusty messengers. I reluctantly assented, they taking the risk of the safe conduct of the money, — the other risk, to me at least the greater of the two, my own safety, I had to take myself. I was the only passenger. No one else coveted a ride over the dismal route. The money was securely locked in my valise which was packed among the mail-bags inside the coach. On arriving at Las Vegas a change of drivers took place. Charley Fernandez, a half-blood

Mexican whose acquaintance I had made years before while on the same trip, took the reins, and we continued on our way in excellent spirits. He was known by the *sobriquet* "Mexican Charley." He was an excellent whip, and noted for his coolness in danger, and kindness to his horses. At Eureka, Mr. Stewart, the stage company's blacksmith, who had been shoeing the horses along the route, got into the coach. Fatigued with overwork, he re-arranged the mail-bags and spread his blankets, and, without my knowledge, removed my valise containing the money to the front boot of the coach. The first half of the night had worn away. Charley had told me a great number of thrilling incidents about the stage travel, and the trouble with road agents along the road. The subject, though interesting, was not at the time and under the circumstances particularly inspiring, especially as we were now passing through the infested portion of the route. I had contrived to fall into a doze, and in that creepy mood so common to people whose condition is half-way between slumber and wakefulness, had so con-jumbled road agents and stage coaches, that but for a fortunate jolt now and then, I should probably have fallen into the unhappy consciousness that I was really a victim to robbery and disaster. We were passing at a moderate pace a cluster of isolated hills, known in that region as "Wagon Mound Buttes." The horses had just begun with slackened gait to ascend a grade, when Charley roused me from my revery by a quick, short, half-breathless ejaculation, "What's that in the road ahead of us?" Every sense I possessed was roused in an instant. The trust I had undertaken gave me infinite concern, and I confess to an alarm bordering upon fear. If I had left that money behind, I thought, I should have little trouble in taking care of myself. Peering into the darkness at that moment partially dispelled by the rising moon, I discovered, about fifty yards in front, two objects just disappearing among the bushes by the roadside.

"I guess," said Charley, re-assuringly, "it's nothing but burros."

"Quite likely, Charley," I replied. "We have seen them at intervals all the way."

"That's what it is, you may depend," rejoined Charley. "I've often mistook 'em before for the blasted road agents. But I was a leetle skeered at fust, warn't you?"

"Considerably, Charley. I don't want to meet them this time, at any rate."

"No danger, I guess," said Charley, as he touched his leaders with the whip to urge them up the grade.

The horses pulled along at a quicker gait, and I was settling back into a state of tranquil somnolence, happy in the thought that we were not probably the first men who had been frightened by a couple of jackasses, when suddenly, as if springing out of the solid earth, two men jumped from the bushes. They were about twenty feet apart. The one most distant, a short, rather slender person, seized the bits of the leaders with his left hand, holding in the right a cocked revolver. The other, a stalwart figure of six feet, with corresponding physical proportions, raised a double-barrelled shot-gun, and aiming it directly at my head, shouted in a fierce, impetuous tone, —

"Halt! Don't either of you move a hand. I want that treasure-box." This startling salutation, with its accompanying demonstration, for a moment filled me with apprehensions, but the quick reply of Charley, "There's no treasure-box aboard," restored me to instant calmness. Now, thought I, is the time to put my chosen theory into practice.

"Don't say a word to them, Charley!" said I, in a suppressed tone. "Let me do the talking."

The big robber, whose determination was more strongly whetted by Charley's reply to his first demand, now spoke in an angry tone, and with his gun in closer proximity to my head, exclaimed, —

"I tell you I want that treasure-box, and quick too. Throw it right down there," pointing to the ground alongside the forward wheel of the coach.

My rapid breathing had now so far abated that I was able to say in a steady, natural tone, —

"The driver has told you the truth. I have no treasure-box on this run. I don't know what the other boys have had. You fellows have run the road to suit yourselves this summer. I haven't had a treasure-box for more than two months."

"I know better than that," he replied, with the usual formula of oaths, "and if you don't throw out that box, I'll shoot the top of your head off," at the same time advancing two or three steps, and aiming his gun with both barrels cocked, less than a yard's distance from my head; — by reaching forward I could have touched it.

The man was very nervous. I knew that his object was robbery without murder, rather than murder and robbery afterwards. In his excitement, which had been rapidly increasing in intensity, I feared that he might unintentionally pull the triggers on which his fingers were resting. To possibly avoid a fatal result in such case, I moved my head backward and forward, to the right and left, and tried to keep as much out of range as possible. All to no purpose: — the gun kept motion with me, and held me constantly in range. I finally said to him, —

"Oblige me by holding your gun a little out of range with my head. You've got the drop on me, but I can't believe you wish to kill a man who is ready to give you all he has."

"You just give me that treasure-box, and you won't be hurt," he replied, in an obstinate tone, with his gun still in position.

The other robber, seemingly much amused at the fear I manifested for my safety, in a jocular manner shouted to me, in a voice peculiarly feminine, —

"Does them gun-barrels look pretty big?"

I replied that I could not readily recall a time in my life when gun-barrels looked quite as large as they did at that moment, and that although neither the moon nor stars were very bright, yet I was quite sure I could read the advertisements on a page of the New York Herald which they had used for gun wadding.

This answer excited their mirth, and they laughed quite heartily, but it did not divert them from their purpose. After parleying with them a few minutes longer, I handed the big man the way-pocket containing the way-bill, and told him that the entire contents of the coach were entered on it, and he could satisfy himself that there was no treasure-box on board. They made the examination and were convinced.

During this research they watched our movements closely, lest Charley or I should draw a weapon. Neither of us was armed. Returning the way-bill to the leather pocket, the big man in a surly tone inquired, —

"Got any passengers aboard?"

"There is a man inside, but he is not a passenger," I replied.

"Who is he then, and what is he doing there, if he is not a passenger?"

"He is the company's blaçksmith."

Frenzied with the disappointment of not finding a treasure-box, and thinking that I was endeavoring to screen a passenger by calling him an employé, the robber exclaimed, —

"That's played out. I want that man," and, rattling the coach door, in language redundant with profane superlatives, he ordered him, if he wished to escape being shot, to come out and show himself.

Stewart, who had slept through all the previous part of the colloquy, on being thus summarily summoned, comprehended the situation of affairs, and slipping a small roll of greenbacks into his shoe, stepped out of the coach.

"Throw up your hands," was the stern command addressed to him emphasized by the double muzzle of a loaded gun within a few feet of his head. He was not slow to comply, nor to submit with the best possible grace to the search which followed, yielding only a single Mexican dollar.

The fury of the robber as he held this meagre trophy of his enterprise up to the pale moonlight was dramatic in the highest possible degree, and yet so associated with his earlier disappointments, that one could hardly restrain himself from bursting into an uncontrollable fit of laughter.

"What business have you," he yelled, interlarding his speech with an unlimited use of profane and opprobrious epithets, "to be travelling through this country with no more money than that?"

Stewart answered that he was the horse-shoer of the company, which paid his bills while on the road, and he therefore had no need of money while thus employed.

After a careful examination of Stewart's hands, which were found to be hard and callous, and the discovery of a box containing the tools used in horse-shoeing, the robber was satisfied that he had told the truth, and returned the Mexican dollar. Baffled at all points, he hurled the way-pocket into the sage brush, and in a tone of mingled anger and disgust, exclaimed, —

"No passengers, no treasure-box, no *nothing*. This is a — of an outfit." With his gun still in point-blank range, he crept close beside the front wheel, and by the subdued light gazed scrutinizingly into my face for a brief space, as if to ascertain whether he had ever seen me before. He repeated this so often that I feared he would resolve the doubt he evidently entertained of my assumed office against me, and shoot me for the imposition. This to me was the most terrible moment of the encounter. I returned his stare each time with an impassive countenance, resolved at all hazards to persist in my experiment. While thus occupied, he directed his companion to examine the contents of the rearward boot and overhaul the mail bags within the coach. Ten minutes later, the search proving abortive, he said in slow, measured tones, dropping back a few paces, —

"Well, I guess you'd better drive on."

Charley gathered up the reins, and was about giving the word to his horses, when it occurred to me that I might complete the deception I had all along practised by a little *ruse* which the occasion seemed to demand.

"Hold on, Charley," and turning to the discomfited man I added, —

"I want my way-pocket."

"You can't have it," was the prompt reply.

"But I must have it," I insisted. "I can't go on without it. The company will discharge a messenger who loses his way-pocket."

This reply seemed to allay his suspicions. He stepped into the sage brush and returned in a few minutes with the pocket, which he gave me, and ordered us quite peremptorily to drive on.

Charley needed no second invitation, but drove on quite briskly. After mutually congratulating each other on our escape, we naturally recounted the events of the evening, and among other things commented upon the feminine voice of the smaller of the robbers; but I soon dismissed the subject, feeling too well satisfied with the success of an artifice which had saved the bank a considerable sum of money, and possibly both of us from a fatal calamity.

Several months after this adventure, while returning by stage from Leadville to Pueblo, the driver directed my attention to a grave marked by a low wooden slab on the plateau overlooking the Arkansas river a short distance below Buena Vista. Just beyond it was an abrupt ravine.

"I never pass that grave," said the driver, "without being reminded of the event connected with it. A few weeks ago a band of horses had been stolen from a ranche on the road between Trinidad and Wagon Mound Buttes, by two horse thieves who were pursued by the owners over the range into the Arkansas Valley. They were overtaken with the stolen herd in that ravine. On attempting to enter it the smaller thief commanded the pursuing party to halt, disregarding which, he fired upon and wounded two of them. Roused by the firing, the other thief appeared, and a pitched battle ensued, in which he was slain outright, and the other fatally wounded. Surgical aid was obtained, and the surviving thief was found to be a woman. She died in a few days thereafter, refusing to the last to reveal her history, or furnish any clew by which it might be traced." This event occurring so soon after the attempt to rob the coach, convinced the people thereabouts of the identity of the persons engaged in both outrages.

Many of the "home stations" on the stage lines where meals were served, were favorite camping-grounds for freighters engaged in the transportation of merchandise from the railroad to the interior towns. On the road between Kelton and Boise, the station at Rock Creek, one hundred miles distant from the railroad, was kept by Charles Trotter. It was one of the few stopping-places where palatable meals were served. Its reputation in this respect won for it a widespread popularity with the travelling public, and in process of time a small settlement sprung up around it. A store was opened, where emigrants and others could obtain provisions, clothing, and such other necessaries as they needed. Naturally enough, many of the new-comers were rough in their tastes, fond of gambling, drinking, and the athletic sports common in an unorganized community. The influence exercised by a few citizens of the better class was all that saved the little settlement from lapsing into lawlessness and crime.

My diary for 1877 shows that on September 17th I passed through Rock Creek by stage *en route* for Boise. Our coach entered the place about the middle of the afternoon. An Englishman who had arrived in America a fortnight before, was the only passenger besides myself. It was his first journey in a stage coach, and the rough and desolate region through which it lay presented to his mind many features of novelty and interest, mingled with no little disquietude at the strange character of his surroundings. He was in a condition to be alarmed at anything.

As we alighted from the coach, our attention was directed by loud hilarious singing to a company of twenty or more men approaching the station, bearing in their midst a long pine box. I perceived at once that it was a funeral orgie over the burial of some wretch who had paid the penalty of a summary death for a life of crime. A person standing near me replied to my inquiry as to the cause. He said that about two years previous to this time, a stranger came one morning to the station and asked for breakfast. He was hungry and moneyless. Mr. Trotter gave him a breakfast and he left; but something about his actions and appearance aroused Trotter's suspicions, and, concealed by the sage brush, he tracked him for some distance across the plain, and came up with him as he was in the act of mounting a horse which Trotter recognized as the property of a friend in Boise. Believing that the horse had been stolen, Trotter arrested the man, who gave his name as William Dowdle, sent

CHAPTER XXVI.

RETROSPECTION.

In the former chapters of this history, we have seen that the people of Montana did not adopt the Vigilante code until a crisis had arrived when the question of supremacy between them and an organized band of robbers and murderers could be decided only by a trial of strength. When that time came, the prompt and decisive measures adopted by the Vigilantes brought peace and security to the people. If any of the murderous band of marauders remained in the Territory, fear of punishment kept them quiet. Occasionally indeed a man would be murdered in some of the desolate cañons while returning to the States, but whenever this occurred the offenders were generally hunted down and summarily executed.

When the executive and judicial officers appointed by the government, arrived in the Territory in the autumn of 1864, they found the mining camps in the enjoyment of a repose which was broken only by the varied recreations which an unorganized society necessarily adopts to pass away the hours unemployed in the mines. The people had perfect confidence in the code of the Vigilantes, and many of them scouted the idea of there being any better law for their protection. They had made up their minds to punish all law-breakers, and there were many who did not hesitate to declare to the newly arrived officers, that while the courts might be called upon in the settlement of civil cases, the people wanted no other laws in dealing with horse-thieves, robbers, and murderers, than the ones they themselves had made. This feeling, though not so general as was claimed for it, was quite prevalent at that time among the miners. As soon, however, as they found the courts adequate to their necessities, they readily conformed to the laws and their administration after the manner prescribed by the government, and the Vigilante rule gradually disappeared. In several extreme cases they anticipated by immediate action the slower processes of law, but this occurred only when the offence was of a very aggravated character.

Some of the leading newspapers of the nation, and the people of many of the older communities where the hand of the law was strong, and sufficient for the protection of all, have denounced the action of the Vigilantes as cruel, barbarous, and criminal; but none of them have had the perspicacity to discover any milder or more efficacious substitute, — though apologies and excuses for the murderers have been numerous and persistent. The facts narrated in these volumes are a sufficient reply to these hastily formed opinions. The measures adopted were strictly defensive, and those who resorted to them knew full well that when the federal courts should be organized, they themselves would in turn be held accountable before the law for any unwarrantable exercise of power in applying them. The necessity of the hour was their justification. Too much credit can never be awarded to the brave and noble men who put them in force. They checked the emigration into Montana of a large criminal population, and thereby prevented the complete extermination of its peace-loving people, and its abandonment by those who have since demonstrated, by a development of its varied resources, its capacity for becoming an immense industrial State of the Union. They opened up the way for an increasing tide of emigration from the East, to this new and delightful portion of our country. They sought mainly to protect every man in the enjoyment of his own, and to afford every citizen equal opportunity to seek for and obtain the hoarded wealth of the unexplored mountains and gulches in the richest portion of the continent. They made laws for a country without law, and executed them with a vigor suited to every exigency.

Not one of that large cosmopolitan community who faced the realities of brigand domination and aggression, ever complained of the means by which they were terminated. The change was as welcome to them as sunlight to the flowers, or rain to the parched earth. It changed their fear into courage, and their despondency into hope. It cheered them with the promise that their hard toil and coarse fare would eventuate in good, and that the star which had led them from homes of comfort to these distant wilds, did not, —

> "Meteor-like, flame lawless through the skies."

A marked improvement soon became visible in all classes of society. Pistols were no longer fired, and bowie-knives were no longer flourished in the saloons. Gambling, though still followed as a pursuit by many, was freed from all dangerous concomitants, and the hurdy-gurdy houses wore an appearance of decency and order that they had not known before. An air of civil restraint took the place of recklessness in personal deportment, and men lived and acted as if they had suddenly found something in the community worthy of their respect. This enforced reformation was only to be preserved by a rigid observance of the regulations which had produced it. There were hundreds of men in the Territory ready to take advantage of the smallest relaxation, to rush again into organized robbery and murder. The Vigilantes understood this, and that there might be no mistaking their intentions, they pursued every criminal, from the greatest to the smallest, oftentimes aiding the civil authorities, and suffering no guilty man who fell into their hands to escape punishment.

A quarter of a century has elapsed since the United States Congress gave to Montana a territorial government. At that time it was the wildest and least inhabited portion of our national domain. A very small portion of it only had been reclaimed from the savage tribes which had inhabited it for centuries — the few whites who had gone there holding it by an occupancy so nearly divided between the lovers and the violators of law and order, that it was next to impossible to convert it into a peaceful, law-abiding community. There was nothing in the writings of early explorers to render it attractive for any of the purposes of permanent settlement. Captains Lewis and Clarke, who explored this region in 1804–5–6, had told of its great rivers and valleys, its rocks and its mountains, and the numerous nomadic tribes which subsisted upon the herds of buffaloes, elks, and antelopes, that fed on its perennial grasses. Their story had been repeated in more graphic form by Washington Irving in his version of Captain Bonneville's expedition. Trappers and hunters belonging to the Northwestern and American fur companies, had told many thrilling adventures of their frequent conflicts with Indians and grizzlies; but no one had ever testified to the vast wealth of its mountains and gulches, the surpassing fertility of its valleys and plains, and the navigability and water facilities of its wonderful rivers. The possibility that it could ever become anything more than a field for fur-hunters, or a reserve for some of our Indian tribes, had never been seriously considered by any one. All the worst crimes known to the Decalogue stained its infant annals, until, roused by a spirit of self-defence, the sober-minded and resolute population visited in their might with condign punishment the organized bands of ruffians which had preyed upon their lives and property. These, him to Boise, where he was tried for the theft, convicted, and sentenced to imprisonment two years in the Idaho Penitentiary. Dowdle avowed that if he lived to be free, he would kill Trotter. At the close of his term he obtained employment as cook for a freighter named Johnson, and slowly wended his way to Rock Creek, where his employer and party camped for a day to replenish their stock of provisions.

The next morning, armed with a revolver, Dowdle went to the station to execute his threat, and was greatly chagrined to learn that Trotter was confined to his bed with typhoid fever. He sought to alleviate his disappointment in liquor, which maddened him to that degree that he threatened the lives of several persons, and, seating himself beside the road, fired indiscriminately at all who passed him. One shot hit a Mr. Spencer, a blacksmith, who was passing quietly along, inflicting what was supposed to be a mortal wound. Attracted by the reports of the pistol, young Wohlgamuth, a relative of Trotter who had charge of the store, hurried to the doorway, when a bullet from Dowdle's pistol penetrated the door-casing, just grazing his head. He immediately grasped his revolver from a shelf hard by, and shot Dowdle through the heart. The villain fell prostrate in the road, exclaiming, "Such is life, boys, in the days of forty-nine," and died instantly. The entire settlement manifested their approval of Wohlgamuth's timely shot by a season of general rejoicing, and a coroner's jury exonerated him from all blame.

The funeral followed speedily. A rude coffin of pine, with four handles of cords knotted into the sides, was the single preparation. In this the body, incased in Johnson's overcoat, was laid, fully exposed, the cover of the box being laid aside until the conclusion of the ceremonies. Four strong men grasped the handles, and lifting the coffin, the procession formed about equally in front and rear of them, and the march commenced. Frequent potations had exhilarated the entire company to such a degree that no attempt was made to preserve regularity of motion or direction. The line of march was between a ridge on the south and one on the north side of the station, about a mile apart. No clergyman was present to conduct the exercises, and no layman was in a condition to offer a prayer or read the scriptures. The exigency could only be supplied by vocal music; and in the absence of hymn books it was thought to be exceedingly proper and befitting the occasion for all to join in an old

California refrain entitled, "The Days of Forty-Nine." Indeed, the last words of Dowdle seemed to convey a request for it. The song was a doggerel composed in the early Pacific mining days in commemoration of "Lame Jesse," a kindred spirit to Dowdle. The mourners on this occasion substituted for the name of "Lame Jesse" that of "Dowdle Bill." This musical service was progressing as our coach drove up to the station. The song consisted of a score or more of verses of which I can recall the following only:—

"Old Dowdle Bill was a hard old case;
He never would repent.
He never was known to miss a meal,—
He never paid a cent.

"Old Dowdle Bill, like all the rest,
He did to Death resign;
And in his bloom went up the flume,
In the days of Forty-Nine."

Mrs. Trotter informed me that this procession of men bearing the coffin, had marched to and fro between the two ridges in a state of drunken revelry for a period of five hours; some singing one, some another verse, producing an utter confusion of sound, and so excited as to be utterly unable to preserve a straight line. At one of their halts near the coach, Johnson, who was at the moment one of the bearers, discovered that his own overcoat covered the body.

"—— if they haven't laid him out in my blue overcoat!" he exclaimed, and loosening his hold of the handle, he raised the body, removed the coat, and put it on his own back. The march was then resumed, and amid singing, shouts, and laughter, the body was borne to a low ridge and buried.

Supper being soon announced, my English fellow-traveller did not appear at the table. He was perfectly appalled at the scene he had witnessed.

"Is this," he inquired, with much earnestness, "the usual way funerals are conducted in this wild country? We never have such proceedings in England, you know. If the better class of people do such things, the country must be pretty rough. I didn't know but they'd take me next, and I hadn't any appetite."

I assured him that our lives were perfectly safe; but it was not until we reached the next eating station, that hunger seemed to conquer his fears, and he was fully re-assured.

as we have seen, were speedily swept away from the face of the earth, and the organization of the Territory was then complete. To-day Montana is the most attractive of all the Territories recently admitted into the Union. With a large and increasing population dwelling in cities, agricultural and mining districts, it is rapidly growing into one of the most powerful States of the Union. Favored by nature with a healthful climate, and with seasons of heat and cold equally distributed, it cannot fail to give birth to a hardy, vigorous, and enterprising people. The development of its vast and varied resources has just commenced, yet, under its inspiring influence, large cities have sprung up, manufactories have been established, vast valleys subdued, great railroads constructed, and the work of a steady and increasing improvement made everywhere visible throughout its borders.

Many of the noble-hearted pioneers who placed themselves in the van of this movement have passed away. Montana, which is now received into the Union, may well mourn the loss of such courageous spirits as James Stuart, Walter Dance, Neil Howie, John Fetherstun, Dr. Glick, and many more who have not lived to see her in her day of grandeur and triumph. A time should never come when the memory of these men should cease to be venerated. It should never be forgotten that Montana owes its present freedom from crime, its present security for life and property, to the early achievements of these self-denying men, and of their comrades who still survive; who established law where no law existed, spoke order into existence when all order was threatened with destruction, declared peace where all was anarchy, and laid broad and deep the foundations of a great and populous State amid the perils of robbery and bloodshed. Equal in degree to the sacrifices made by the brave soldiers of the war who saved our Republic, were the deeds of those who saved the Territory from rapine and slaughter. Like them, the graves of the dead should be crowned with flowers, and the pathway of the living be brightened with the rewards of a grateful people.

Standing in the valley of the Mississippi, and beholding its marvellous development, we talk of the West — its cities, its agriculture, its progress — with rapture; we point to it with pride, as the latest and noblest illustration of our republican system of government; but beyond the West which we so much admire and eulogize, there is another West where the work of development is just commencing: a land where but a quarter of a century ago, all was bare creation; whose valleys, now teeming with fruition, had then never cheered the vision of civilized man; whose rivers, now bordered by thousands of happy homes, then rolled in solitary grandeur to their union with the Missouri and the Columbia; — a land whose rugged features, civilization with all its attendant blessings has softened, and where an empire has sprung up as if by enchantment; — a land where all the advantages and resources of the West of yesterday are increased, and varied, and spread out upon a scale of magnificence that knows no parallel, and which fills the full measure of Berkeley's prophecy, —

"Westward the course of Empire takes its way.
The first four acts already past,
A fifth shall close the drama with the day.
Time's noblest offspring is the last."

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THE END.

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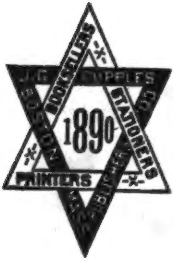
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